

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on
reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0392-08

OAL FILE
NUMBERSNOTICE FILE NUMBER
Z92-0421-02

REGULATORY ACTION NUMBER

92-0810-02C

EMERGENCY NUMBER

92-0416-01E

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 AUG 10 PM 1:51

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

SEP 01 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILEDIn the office of the Secretary of State
of the State of California

SEP 01 1992

At 4:30 O'clock P.M.

MARCH FONG EU, Secretary of State

By John D. Healy
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE AFDC Transfer of Property		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 92-1182	PUBLICATION DATE 5-1-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND Section 42-219
	REPEAL Section 42-221

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE



8/6/92

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

42-219 ACQUISITION AND CONVERSION OF REAL AND PERSONAL
PROPERTY

42-219

.1 Conversions of Property

These regulations are to be applied in a flexible and reasonable manner which within the limits specified in the code, will allow the recipient a maximum freedom of choice in the acquisition, conversion, or disposition of property resources without affecting his eligibility.

Real or personal property may be acquired or converted to other forms by a recipient without affecting eligibility if the resultant holdings do not exceed the maximum allowed by the code.

Payments which include compensation for property which was lost, stolen, damaged, or destroyed shall be evaluated in accordance with Section 44-105.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10554, Welfare and Institutions Code.

42-221

TRANSFER OF PROPERTY (Repealed by OAL File No. 92-0416-01E
effective April 23, 1992)

42-221

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

SEP 01 1992

At 430 O'clock P M.

MARCH FONG EU, Secretary of State

By

[Signature]
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Office of Administrative Law in the City of Sacramento,
State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0810-02 C

JOHN D. SMITH
Deputy Director

09/01/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 2-91)

AGENCY

State Dept. of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0492-14

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z92-0518-01	92-0821-02C	92-0522-05E	

For use by Office of Administrative Law (OAL) only

1992 AUG 21 AM 9:31
 OFFICE OF
 ADMINISTRATIVE LAW
 ENDORSED
 APPROVED FOR FILING
 SEP 14 1992
 Office of Administrative Law

NOTICE

REGULATIONS

For use by Secretary of State only

FILEDIn the office of the Secretary of State
of the State of California

SEP 14 1992

At 4:45 O'clock P.M.

MARCH FONG EU, Secretary of State

By Peter Lowery
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. TOPIC OF NOTICE \$35 Administrative Error Claims		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 92-0518-01	PUBLICATION DATE 6-5-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	Section 63-011.1 (added per written agency request re 9/14/92)
SECTIONS AFFECTED	AMEND
	Section 63-801.12
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

DATE

8/14/92

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

63-011 IMPLEMENTATION OF THE PROVISION TO DISCONTINUE THE
ESTABLISHMENT OF ADMINISTRATIVE ERROR CLAIMS OF \$35 OR LESS

63-011

.1 Section 63-801.12, as amended herein, shall become effective June 1, 1992.

Authority Cited: Sections 10554 and 18904 Welfare and Institutions Code.

Reference: 7 CFR 272.1(g), 7 CFR 273.18 (a) and United States Department of
Agriculture, Food and Nutrition Service letter WFS-100:FS-
10-6-CA, dated October 7, 1991.

Amend Section 63-801.12 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS

63-801

.1 Establishing Claims Against Households and/or Against Sponsors of Alien Households (Continued)

.11 (Continued)

.12 No claim shall be established if an overissuance occurred as a result of an administrative error which resulted in an ~~overpayment~~ overissuance of \$35 or less, or as the result of the following:

.121 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 273.18(a), (a)(1)(ii), (a)(2), (c)(1)(ii), 7 CFR 273.18(d)(4)(iii), 7 CFR 273.18(e)(1), 7 CFR 273.18(h)(4), 7 CFR 273.18(k)(5), and United States Department of Agriculture, Food and Nutrition Service letter WFS-100:FS-10-6-CA, dated October 7, 1991.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

SEP 14 1992

At 4:45 O'clock P.M.

MARCH FONG EU, Secretary of State

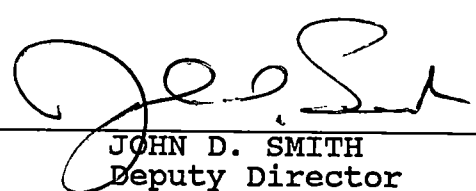
By


Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Office of Administrative Law in the City of Sacramento,
State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0821-02 C


JOHN D. SMITH
Deputy Director

09/14/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS

NOTICE FILE NUMBER
Z-91-1118-05

REGULATORY ACTION NUMBER

02-0921-04 RE

EMERGENCY NUMBER

AGENCY FILE NUMBER (if any)

RDB #0991-47

PREVIOUS REGULATORY ACTION NUMBER

91-1213-04E
92-0428-02C

For use by Office of Administrative Law (OAL) only

92-0610-01EH

FILED

In the office of the Secretary of State
of the State of California

OCT 05 1992

At 4:13 O'clock P.M.

MARSH FONG EU, Secretary of State

By: Eloise Anderson
Deputy Secretary of StateENDORSED
APPROVED FOR FILING

OCT 5 1992

Office of Administrative Law

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE AFDC Disqualification		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
<input type="checkbox"/> Other				
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91-#48-2	PUBLICATION DATE 11-29-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
TITLE(S) MPP	ADOPT Chapter 20-350, Sections 20-351 through 355; 40-131.3(t); 44-133.31, 80-301(i)(1); Chapter 82-600, Sections 82-620 and 82-632.28
SECTIONS AFFECTED	AMEND Sections 40-105.16, 40-181.1(e)(1), 40-181.33, and 44-352.51
	REPEAL

2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			

☐ Print Only ☐ Other (specify)3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs., title 1, §§ 44 and 45)
March 28, 1992 to April 13, 1992 Sections 20-351a.(1) and (d)(4); 20-352.214; 40-105.16; and 40-181.33.

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
--	---	--

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
---	--	---

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

DATE

8/31/92

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Handbook Section at 20-351 a.(1) and amend Sections 20-351 d.(4) and i.(1) to read:

20-350 Intentional Program Violations (IPV) in the AFDC Program 20-350

20-351 Definitions 20-351

For purposes of this section the terms defined below apply to the AFDC Program.

- a. (1) Administrative disqualification hearing - means a hearing established to determine IPV as defined in 42 U.S.C. 616(b), Welfare and Institutions Code Section 11486 and 45 CFR 235.113.

HANDBOOK BEGINS HERE

Although California has not elected to establish administrative disqualification hearings, findings of IPV's from administrative disqualification hearings in another jurisdiction are valid in California.

HANDBOOK ENDS HERE

b. (Reserved)

c. (Reserved)

d. (1) Deferred adjudication - means those cases:

(a) In which a determination of guilt is not obtained from a court due to the applicant/recipient having met the terms of a court order; or

(b) Which are not prosecuted due to the applicant/recipient having met the terms of an agreement with the prosecutor.

(2) Disqualification Consent Agreement - is form ABCD 478(A) (1/92).

(3) Disqualification penalties - means that period of time where the individual found to have committed IPV is deemed ineligible for participation, when otherwise eligible.

(4) Disqualified Recipient Report - is form DPS 524 (13/92).

e. through h. (Reserved)

i. (1) Intentional Program Violation (IPV) - "IPV" means an Intentional Program Violation, which is a determination made by a state or federal court, or pursuant to an special administrative disqualification hearing, that an individual has intentionally:

(a) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or

- (b) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and
- (c) Committed these acts to establish or maintain AFDC eligibility, or to increase or prevent a reduction in the amount of the AFDC grant.

j. through m. (Reserved)

n. (1) Notice of Administrative Disqualification - is form ABCD 239.7A (1/92).

o. through z. (Reserved)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(h); Section 11486, Welfare and Institutions Code; and U/S/ Department of Health and Human Services/ AFDC Action Transmittal No/ FSA-AT-88-12/ dated May 31/ 1988/ 45 CFR 235.112; and 45 CFR 235.113.

Adopt Section 20-352.214 and amend Section 20-352.3 to read:

20-352 County Responsibilities

20-352

.1 Investigation and Referral

The county welfare department's (CWD's) Special Investigative Unit (SIU) shall be responsible for:

- .11 Investigating any case of alleged IPV.
- .12 Establishing criteria for prioritizing cases to be assigned for investigation and prosecution.

HANDBOOK BEGINS HERE

- .121 The SIU may confer with the local prosecuting authority to establish the criteria required in Section 20-352.12 above.

HANDBOOK ENDS HERE

- .13 Filing a request for a complaint with the prosecuting authority as provided in Section 20-007.3 in those cases in which it appears that clear and convincing evidence exists to substantiate the allegation of IPV.

.2 Disqualification Consent Agreement

The CWD shall have the option of allowing accused individuals to sign Disqualification Consent Agreements for cases of deferred adjudication.

- .21 CWDs using the Disqualification Consent Agreements shall conform to the following requirements:
 - .211 Advance written notification shall be sent to the accused individual of the assistance unit which informs him/her of the consequences of consenting to disqualification. This written notification shall include, at a minimum, the following:
 - (a) A statement for the accused individual to sign that he/she understands the consequences of consenting to disqualification.
 - (b) A statement that consenting to disqualification will result in disqualification and a reduction in benefits for the period of the disqualification, even though the accused individual was not found guilty of civil/criminal misrepresentation or fraud.

- (c) A warning of the disqualification penalties which could be imposed (as provided in Section 20-353.1) and a statement of which penalty shall be imposed as a result of the accused individual having consented to disqualification.
- (d) A statement that any remaining assistance unit members shall be held responsible for repayment of the resulting overpayment, unless the accused individual has already repaid the overpayment.

.212 The Disqualification Consent Agreement shall contain statements indicating whether the accused individual wishes to admit that facts as presented are correct. Those statements shall be worded as follows:

- (a) I admit to the facts as presented and understand that a disqualification penalty shall be imposed if I sign this Disqualification Consent Agreement.
- (b) I do not admit that the facts as presented are correct. However, I have chosen to sign this Disqualification Consent Agreement and understand that a disqualification penalty shall result.

.213 After an accused individual has signed a Disqualification Consent Agreement and a disqualification penalty has been imposed, no further administrative appeal procedure exists.

- (a) The disqualification penalty cannot be changed by a subsequent Administrative Disqualification Hearing or a state hearing decision.
- (b) The accused individual, however, shall be entitled to seek relief in a court having appropriate jurisdiction.

.214 The Disqualification Consent Agreement shall be confirmed by the court.

.3 The CWD shall not initiate an administrative disqualification hearing in any jurisdiction against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same or related circumstances.

.4 Notice of Administrative Disqualification

.41 The CWD shall mail a Notice of Administrative Disqualification to the accused individual if:

.411 The administrative disqualification hearing or the court finds that the accused individual committed IPV, or

.412 The accused individual has signed a Disqualification Consent Agreement or an Administrative Disqualification Hearing Waiver.

- .42 The CWD shall send prior to the disqualification action, a Notice of Administrative Disqualification to the accused individual.
- .421 The notice shall inform the accused individual of the decision, the reason for the decision, and the date the disqualification will take effect.
- .422 If the accused individual is no longer on aid, the notice shall inform the individual that the period of disqualification will be deferred until the individual reapplies and is determined eligible for benefits.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; *U.S. Department of Health and Human Services/ AFDC Action Transmittal No. FSA/AT-88-12/ dated May 31/ 1988/ and 7 CFR 273.16(a), (e), (g), and (h); and 45 CFR 235.113(d).*

- .1 Individuals found to have committed an IPV either through an administrative disqualification hearing or by a court of appropriate jurisdiction shall be ineligible to receive AFDC benefits as follows:
 - .11 Six months for the first violation.
 - .12 Twelve months for the second violation.
 - .13 Permanently for the third violation.
- .2 The disqualification penalties shall apply only to individuals disqualified for acts of IPV which occurred on or after July 1, 1991.
- .3 One or more IPV's which occurred prior to the implementation of these penalties shall be considered as only one previous disqualification when determining the penalty to impose.
- .4 The CWD shall disqualify only the individual(s) found to have committed the IPV.
- .5 If the individual is not eligible for the AFDC program at the time the disqualification period is to begin, the period shall be postponed until the person applies for and is determined eligible for benefits.
- .6 The disqualification of an individual for IPV in one political jurisdiction shall be valid in another.
- .7 The same act of IPV repeated over a period of time shall not be separated so that separate penalties can be imposed.
- .8 If the accused individual is found guilty of an IPV by the court, and the court fails to impose a disqualification penalty, the county shall impose a disqualification period in accordance with the penalties specified in this section, unless contrary to the court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; ~~U.S. Department of Health and Human Services~~, AFDC Action Transmittal No. FSAAT/88/12/ dated May 31/ 1988/ 42 U.S.C. 616(b); and 7 CFR 273.16(b), (e)(8), (f)(2), (g)(2), and (i)(4)(A); and 45 CFR 235.112 and .113.

.1 By Administrative Disqualification Hearing

If the hearing authority rules that the accused individual has committed an IPV, the CWD shall disqualify the individual beginning with the first month following the date he/she receives the Notice of Administrative Disqualification.

.11 Five days from the postmarked date the Notice of Administrative Disqualification is mailed shall be considered sufficient time for it to have been received by the individual, provided it has not been returned as undeliverable by the post office.

.2 By Court Order

If disqualification is ordered by a court of appropriate jurisdiction, but the date for initiating the disqualification period is not specified, the CWD shall initiate the disqualification within 45 days of the date the disqualification was ordered.

.3 By Disqualification Consent Agreement

If the individual signed the Disqualification Consent Agreement, then the period of disqualification shall begin within 45 days of the date that the consent agreement was signed, unless contrary to a court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; and 7 CFR 273.16(e)(8), (g)(2), and (h)(2).

- .1 The CWD shall submit to the State Department of Social Services (SDSS) the Disqualified Recipient Report within 30 days of the date the disqualification took effect, or would have taken effect for a currently ineligible individual whose disqualification is pending future eligibility.
- .2 CWDs shall submit to SDSS a revised Disqualified Recipient Report in the following situations:
 - .21 On those cases where the disqualification was pending future eligibility, and the individual once again becomes eligible and the disqualification penalty is imposed.
 - .22 In cases where the disqualification is reversed by a court of appropriate jurisdiction.
- .3 The CWD shall establish and maintain a disqualification file containing all information received from SDSS concerning individuals who have been disqualified in that county or in another political jurisdiction.
 - .31 The CWD shall use information contained in the disqualification file to:
 - .311 Determine eligibility of applicants prior to granting of aid when the CWD has reason to believe an applicant is subject to disqualification in another jurisdiction.
 - .312 Ascertain the appropriate penalty to impose, based on past disqualification, in a case under consideration.
 - .32 The CWD shall be permitted to use information contained in the disqualification file to:
 - .321 Screen all program applicants prior to granting aid.
 - .322 Match the entire disqualification file against the current caseload.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; and 7 CFR 273.16(i)(1), (3), (4), (6), and (7).

Amend Handbook Section at 40-105.14 and adopt as regulation Section 40-105.16 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY

40-105

.1 Assuming Responsibility Within His/Her Capabilities (Continued)

.11 through ~~.14~~5 (Continued)

HANDBOOK BEGINS HERE

.16 Failure to comply with these provisions ~~may~~ shall result in disqualification if the applicant or recipient is found to have committed an IPV.

HANDBOOK ENDS HERE

~~113~~ (Continued)

Authority Cited: Sections 10553, 10554, 10604, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11266, ~~and~~ 11268, and 11486, Welfare and Institutions Code; ~~and~~ 45 CFR 233.10(a)(1)(iv) and 235.112(b); 7 CFR 273.16(b); and 42 U.S.C. 616(b).

.1 and .2 (Continued)

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent:

a. through s. (Continued)

t. The actions which constitute an IPV and the penalties to be applied to an individual who committed an IPV.

Authority Cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11500(b), and 11511(a), Welfare and Institutions Code; 7 USC 2020(i), 7 CFR 273.2(j), 42 U.S.C. 616(f), 682(c)(2), (3) and (4), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b).

Amend Handbook Section at 40-181.32 and adopt as regulation Section 40-181.33 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY

40-181

.1 General County Responsibility

(a) through (d) (Continued)

(e) (Continued)

- (1) Give applicants and recipients at the time of application and at least once every twelve months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, disqualifications due to an IPV, and their responsibility to report changes within five calendar days (Section 40-105.14, Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the CA 2 in AFDC. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing. (Continued)

.2 (Continued)

.3 Methods of Periodic Determination of Eligibility

.31 and .32 (Continued)

HANDBOOK BEGINS HERE

- .33 Failure to comply with the requirements of any periodic determination of eligibility ~~may~~ shall result in disqualification if the recipient is found to have committed an IPV.

HANDBOOK ENDS HERE

.4 (Continued)

Authority Cited: Sections 10553, 10554, 10604, 11265.1 and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(b) and (f); ~~and~~ 45 CFR 233.28 and 235.112(b); 7 CFR 273.16(b); and Sections 10553, 10554, 10604, and 11486, Welfare and Institutions Code.

.1 and .2 (Continued)

.3 Income In Cases in which a Parent or Child has been Excluded from the Assistance Unit.

.31 Income shall not be allocated to meet the needs of any parent or child who is required to be included in the filing unit and has been sanctioned or who has failed to cooperate in meeting a condition of eligibility. Actions which are subject to sanction or which constitute a failure to cooperate include, but are not limited to, any one of the following:

(a) through (e) (Continued)

(f) Committing an IPV.

.32 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11450, 11452, 11453, and 11486 Welfare and Institutions Code and 45 CFR 233.20(a)(3)(vi)(B) and (xiv).

.1 through .4 (Continued)

.5 Referral to Special Investigative Unit (SIU).

HANDBOOK BEGINS HERE

.51 Chapter 20-000 through 20-009 discusses referrals to the Special Investigative Unit and referrals to law enforcement officials. Chapter 20-350 discusses referrals made in cases of alleged IPV.

HANDBOOK ENDS HERE

.511 All overpayments determined to be caused by an applicant's or recipient's failure to report information shall be referred to the SIU, including overpayments caused by an alleged IPV.

.52 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11450, 11452, and 11453, Welfare and Institutions Code.

Amend Handbook Section 80-301(i)(1) to read:

80-301 DEFINITIONS

80-301

The following definitions apply to the regulations in Division 40 through 50 and 80 through 90.

(a) through (h) (Continued)

HANDBOOK BEGINS HERE

- (i) (1) Intentional Program Violation (IPV) "IPV" means an Intentional Program Violation, (See Section 20-351) which is a determination made by a state or federal court, or pursuant to an ~~special~~ administrative disqualification hearing, that an individual has intentionally:
- (A) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or
 - (B) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and
 - (C) Committed these acts to establish or maintain AFDC eligibility, or to increase or prevent a reduction in the amount of the AFDC grant.

HANDBOOK ENDS HERE

HANDBOOK BEGINS HERE

.1 Penalties

Regulations in MPP Section 20-353 provide that individuals found to have committed an IPV shall be ineligible to receive benefits as follows:

.11 Six months for the first violation.

.12 Twelve months for the second violation.

.13 Permanently for the third violation.

HANDBOOK ENDS HERE

.2 Eligibility Pending an
IPV Hearing

The county shall not disqualify an individual until the court or hearing official finds that an IPV has been committed.

.3 Rescinding Disqualification

The county shall reinstate aid only when the findings upon which the sanctions are imposed are reversed by a court of appropriate jurisdiction.

.4 Sanction Time Periods

The disqualification periods themselves shall not be subject to review or revision.

.5 No substitutions

Any sanctions that the county imposes for an IPV shall be in addition to, not in substitution for, any other court imposed penalties for the IPV-related offenses.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code.

- .2 Sanctioned Persons A person excluded from the AU due to a sanction is:
- .21 through .27 (Continued)
- .28 IPV An applicant or recipient who has been disqualified for committing an IPV.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11263.5, 11268, 11270, 11315, 11320.6(e), 11450 11477, and 11486 Welfare and Institutions Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

AGENCY FILE NUMBER (if any)

State Department of Social Services

0892-27

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-0929-01E

For use by Office of Administrative Law (OAL) only

1992 SEP 29 PM 2:56

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

OCT 5 1992

NOTICE

Office REGULATIONS

FILED

in the office of the Secretary of State
of the State of California

OCT 05 1992

At 4:13 O'clock P.M.

MARCH FONG EU, Secretary of State

By *John Lowery*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Educational Assistance Income Exclusions		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	63-017
SECTIONS AFFECTED	AMEND
	63-406, 63-501 and 63-502
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)

☐ Resubmittal

☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)

☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State

☐ Effective on filing with Secretary of State

☒ Effective other (Specify) October 5, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)

☐ Fair Political Practices Commission

☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

DATE

9/26/92

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

Adopt Section 63-017 to read:

63-017 IMPLEMENTATION OF EDUCATIONAL ASSISTANCE REGULATIONS

63-017

- .1 Sections 63-406.213, .214, .216 and .217; 63-501.3(k); 63-502.2(e), (g) and (l).
- .11 Beginning October ⁵~~1~~, 1992, the county welfare departments (CWDs) shall implement the adopted or amended provisions for all new Food Stamp applications.
- .12 Continuing cases and any other affected households, shall be converted to this provision at the household's request, at recertification, when the case is reviewed next or the CWD becomes aware a review is needed, whichever occurs first. Restored benefits to entitled households are to be provided back to the date of application or August 1, 1992, whichever occurred later.
- .13 For a household that applied for benefits from August 1, 1992 through October ~~1~~⁵, 1992 and was denied, the household is entitled to restored benefits back to August 1, 1992 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law (P.L.) 101-392, Section 507; P.L. 101-624, Sections 1715 and 1727; and P.L. 102-237, Section 903.

Amend Section 63-406.2 to read:

63-406 STUDENTS

63-406

.1 Applicability. (Continued)

.2 Eligibility Requirements.

.21 In order to be eligible to participate in the Food Stamp Program, any student (as defined in Section 63-406.1) shall meet at least one of the following criteria on the date of the interview:

.211 (Continued)

.212 (Continued)

.213 Be exerting parental control over a dependent household member under the age of six. (See Section 63-102~~44p~~^{app}.(1) for definition of parental control.)

.214 Be exerting parental control over a dependent household member who has reached age six but is under age 12 and the CWD has determined on a case-by-case basis that adequate child care services are not available (See Section 63-406.23) to enable the individual to attend class and work 20 hours per week or participate in a state or federally financed work study program during the regular school year.

.215 (Continued)

.216 Be assigned to or placed in an institution of higher education through: ~~a program under~~

(A) ~~The~~ Job Training Partnership Act (JTPA),

(B) a Food Stamp Employment or Training Program (FSET),

(C) the Job Opportunities and Basic Skills (JOBS) program under Title IV of the Social Security Act,

(D) a program under Section 236 of the Trade Act of 1974, or

(E) a state or local government employment and training program, as determined to be appropriate by the Food and Nutrition Service (FNS).

.217 Enrolled full time in an institution of higher education and is a single parent with responsibility for the care of a dependent child under age 12. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: ~~7 CFR 273.10(b); 7 CFR 273.5; and~~ Sections 10554 and 18904,
Welfare and Institutions Code; 7 CFR 273.10(b); 7 CFR 273.5; and
P.L. 101-624, Section 1727.

Amend Section 63-501.3(k)(12) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources

In determining the resources of a household, only the following shall be excluded:

(a) through (j) (Continued)

(k) Resources which are excluded for food stamp purposes by federal statute. The following is a listing of some of the resources excluded by federal statute:

(1) through (11) (Continued)

(12) Financial assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act (as amended by Public Law [P.L.] 99-498), ~~and/or under~~ the Bureau of Indian Affairs Student Assistance Programs, (pursuant to Public Law 100-50)/ or the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (P.L. 101-392). (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; 7 CFR 272.8(e)(17); 7 CFR 273.2(j)(4); Public Law ~~101-201~~ (P.L.) 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-201; P.L. 101-392, Section 507; P.L. 101-508, Section 11111(b); P.L. 101-624, Section 1715; P.L. 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; Section 2466d, Title 20, United States Code (U.S.C.); 26 U.S.C. 32(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i), U.S.D.A. Food and Nutrition Service Administrative Notice 91-30; Public Law 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; and Index Policy Memo 90-22, dated July 12, 1990.

Amend Section 63-502.2 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS

63-502

.1 (Continued)

.2 Income Exclusions. Only the following items shall be excluded from household income:

(a) through (d) (Continued)

(e) Regardless of their source, educational loans on which payment is deferred, grants, scholarships, college work study, fellowships, veterans' educational benefits, and the like to the extent that it is either earmarked by the lender or intended to be they are used for tuition and mandatory school fees, books, supplies, transportation, dependent care or miscellaneous personal expenses (other than living expenses, such as rent or mortgage, personal clothing, or food eaten at home) at an institution of post-secondary education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(1) (Continued)

(2) Mandatory fees are those charged to all students or those charged to all students within a certain curriculum include the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved.

HANDBOOK BEGINS HERE

For example, uniforms, lab fees, or equipment charged to all students to enroll in a chemistry course would be excluded. However, transportation, supplies and textbook expenses are not uniformly charged to all students and therefore, would not be excluded as mandatory fees.

HANDBOOK ENDS HERE

(3) (Continued)

(4) Portions of nonfederal (state, local or privately deferred payment educational loans are excludable under this provision only to the extent that the lender specifically earmarks portions of all of such loans as provided for educational expenses, such as travel or books, living expenses, such as rent or mortgage, personal clothing, or food eaten at home shall not be excluded.

15) Portions of financial assistance (payments, loans, reimbursements, college work study or allowances) funded in whole or in part under Title IV of the Higher Education Act of 1965 as amended by Public Law 99-498// and/or under the Bureau of Indian Affairs (BIA) Student Assistance Programs pursuant to Public Law 100-350// provided to students attending an institution of post secondary education as defined in Section 63-502.2(e)(1) on at least a half-time basis, shall be excludable. Only the assistance intended to be used for tuition, mandatory school fees, books, supplies, transportation and miscellaneous personal expenses (other than room, board and/or dependent care) related to the cost of attendance at the educational institution shall be excluded.

(A4) The CWD shall verify all factors affecting this provision Section 63-502.2(e). The student shall be responsible for providing the CWD with information to document:

(i) The institution considers the student to be attending the institution on at least a half-time basis.

(ii) Educational assistance received is from a program funded in whole or in part under Title IV of the Higher Education Act, and/or under the Bureau of Indian Affairs Student Assistance Programs.

(iiiA) Amounts claimed for tuition, mandatory school fees, books, supplies, transportation, dependent care and miscellaneous personal expenses. (Continued)

(B) Until such time as appropriate verification is presented to the CWD, any portion of assistance received from a program funded in whole or in part under Title IV of the Higher Education Act which is not verified shall not be excluded.

(C) Excludable expenses claimed by the student shall not exceed the value of the total amount of educational assistance received granted from a program funded under Title IV of the Higher Education Act and/or under the Bureau of Indian Affairs Student Assistance Programs.

(f) (Continued)

(g) (Continued)

(1) Excludable reimbursements which are not considered to be a gain or benefit to the household include, but are not limited to the following:

(A) and (B) (Continued)

- (C) Medical, as specified in Section 63-502.331, or dependent care reimbursements ~~except as specified in Section 63-502.2(e)~~.
- (D) ~~Nonfederal~~ Reimbursements or allowances to students for specific education expenses/ ~~such as travel or books~~/ which are specifically earmarked by the grantor such as, but not limited to, travel or books.
- (E) (Continued)
- (F) Federal reimbursements to students provided by a program funded in whole or in part under Title IV of the Higher Education Act/ and/or the Bureau of Indian Affairs Student Assistance Programs/ to the extent that the verification requirements are met as specified in Section 63-502.2(e)(5).
- (G) (Continued)
- (H) (Continued)
- (I) Any allowance provided by the state or county no more frequently than annually for children's clothes when the children enter or return to school or daycare, except as specified in Section 63-502.2(g)(2)(C). Verification of attendance at school or daycare is not required.
- (J) (Continued)
- (2) The following shall not be considered a reimbursement excludable under this provision:
- (A) (Continued)
- (B) Portions of any federal educational grant/ scholarship/ fellowship/ veterans' educational benefit and the like to the extent they provide income assistance beyond that used for tuition and mandatory school fees as set forth in Section 63-502.2(e). This provision does not apply to educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act and/or the Bureau of Indian Affairs Student Assistance Programs/ to the extent that the verification requirements are met as specified in Section 63-502.2(e)(5).
- (C) Portions of any nonfederal (state/ local or private) educational grant, scholarship, fellowship, veterans' educational benefit, and the like that are provided for living expenses, such as food, rent, or clothing.

(ØC) Clothing allowances specified in Section 63-502.2(g)(1)(ØF) if the monthly AFDC grant is reduced by the amount of the allowance during the month in which the allowance is provided.

(h) through (k) (Continued)

(l) (Continued)

(4) Federal educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act and/or the Bureau of Indian Affairs Student Assistance Programs is excludable to the extent specified in Section 63-502.2(e)(ØY).
(Continued)

(m) and (n) (Continued)

.3 (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; Public Law (P.L.) 101-201; P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77; P.L. 101-392, Section 507; P.L. 101-624, Sections 1715 and 1727; P.L. 102-237, Section 903; 7 CFR 271.2; 7 CFR 273.7(f); 7 CFR 273.9; 7 CFR 273.9(b)(1) and (c), 7 CFR 273.9(c)(1)(iv)(B) and (c)(3); 7 CFR 273.9(c)(5); 7 CFR 273.9(c)(5)(i)(A); 7 CFR 273.9(c)(5)(i)(C), (F) and (G) and (ii)(A); 7 CFR 273.9(c)(10); 7 CFR 273.9(c)(15); 7 CFR 273.9(d)(3)(vii); 7 CFR 273.9(d)(1) through (6); 7 CFR 273.11(d)(1), (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) ____ F. Supp. ____ [Dock. No. CV-89-0768]); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); U.S.D.A. Food and Nutrition Service Administrative Notice 91-30; and Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 12-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0892-30

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-0930-03E

For use by Office of Administrative Law (OAL) only

1992 SEP 30 PM 3:19

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

OCT 9 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILED

In the office of the Secretary of State
of the State of California

OCT 09 1992

At 4:09 O'clock P.M.

MARCH FONG EU, Secretary of State

By *Arthur Louie*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE <u>Edwards v. Healy Regulations</u>		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND Sections 82-824.12 and 82-824.13 REPEAL 82-824.13

*Per agency
PMC 10/9/92*

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346)
- ☐ Resubmittal
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
- ☒ Emergency (Gov. Code, § 11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.
- ☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State
- ☐ Effective on filing with Secretary of State
- ☒ Effective other (Specify) November 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

9/26/92

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 82-824.12 and .13 to read:

82-824 ASSISTANCE UNITS THAT SHALL BE COMBINED

82-824

- .1 Combining AUs Two or more AUs in the same home shall be combined into one AU when:
- .11 Marriage A caretaker relative is married to another caretaker relative in another AU, or
- .12 Child in Common Two caretaker relatives in the home have separate children and also have a child in common/ ~~of~~.
- ~~.13 One caretaker There is only one caretaker relative/~~

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.90, 45 CFR 237.50(b)(5) SSA-AT-86-01, Section 242, California Civil Code; Sections 10553, 10554, 10604, 11000, and 11450, Welfare and Institutions Code; and Edwards v. Healy, Civ.S. 91-1473 DFL (1992).

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

(See instructions on reverse)

For use by Secretary of State only

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

AGENCY FILE NUMBER (if any)

RDB# 0692-21

PREVIOUS REGULATORY ACTION NUMBER

92-1110-01ER 92-0715-01E

For use by Office of Administrative Law (OAL) only

1992 NOV 10 AM 10:00

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

NOV 12 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

NOV 12 1992

At 328 O'clock P. M.

MARCH FONG EU, Secretary of State

By *John L. Laverdy*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE <u>Crary v. McMahon Retroactive Reg's.</u>		TITLE(S) <u>22 MPP</u>		FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
<input type="checkbox"/> Other					
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	TITLE(S) <u>22 MPP</u>	ADOPT 50-021
		AMEND
		REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☒ Emergency (Gov. Code, § 11346.1(b))
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.
☐ Print Only
☒ Other (specify) Readopt emergency filing.

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☒ Effective other (Specify) November 12, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

NOV 06 1992

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 50-021 to read:

50-021 CRARY V. McMAHON RETROACTIVE COURT ORDER

50-021

HANDBOOK BEGINS HERE

.1 Background

The Crary v. McMahon lawsuit challenged the State Department of Social Services' (SDSS) policy of not paying Aid to Families with Dependent Children (AFDC) recipients participating in the Greater Avenues for Independence (GAIN) Program for transportation costs the participants incurred to travel to and from their GAIN activities in accordance with the Manual of Policy and Procedures (MPP) Section 42-750.4. On August 3, 1990, the Sacramento County Superior Court issued a Court Order Granting Peremptory Writ of Mandate. Under the terms of the Court Order, SDSS and county welfare departments must restore to affected persons all supportive services moneys unlawfully withheld because of transportation expense limitations.

HANDBOOK ENDS HERE

.2 Definitions

For the purpose of these regulations:

- (a) "ABCDM 228" means the Applicant's Authorization for Release of Information Form ABCDM 228 (10/78) which is used to obtain documentation when the claimant does not have the necessary information or is unable to provide such information.
- (b) "Claim period" means the time in which a person may file a claim for corrective underpayment. The claim period shall be at least 90 days starting July 1, 1992 and ending midnight September 30, 1992.
- (c) "Class members" means those individuals who drove a vehicle to and from their GAIN activities and asked to be reimbursed for the costs but:

- (1) Were paid a flat rate for travel expenses to get to and from their GAIN activities no matter how many miles they drove;

or

- (2) Were paid the rate of public transportation even though the public transportation took two hours or more to get to and from their GAIN activity. The two hours included transfers but did not include the time to take children to school or child care;

or

- (3) Were paid a mileage rate less than what county employees were reimbursed for the use of privately owned vehicles used for county business.

- (d) "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese and Cambodian.
- (e) "GEN 1172" means the Statistical Report Form GEN 1172 (3/91) Court Case: Crary v. McMahon which is to be used to gather data regarding the claims filed and paid under this Court Order.
- (f) "NOA" means a notice of action (NOA) that is considered to be adequate within the meaning of Section 22-021. A claimant is considered to be informed of the outcome of a claim when the claimant is provided with a NOA.
- (g) "Responsible county" means the GAIN Office that took an action on which the claimant's claim is based.
- (h) "Retroactive benefits" means the corrective underpayment of funds inappropriately withheld.
- (i) "Retroactive period" means the period from December 1, 1986 through March 31, 1991.
- (j) "Temp GAIN 64" means the Crary v. McMahon Notice [Informing Card] Temp GAIN 64 (7/92) which is the document mailed with the Medi-Cal cards to current medically-needy-only (MNO) recipients to inform potentially affected persons of possible corrective underpayments for transportation costs.
- (k) "Temp GAIN 65" means the Crary v. McMahon [Informing Poster] Temp GAIN 65 (7/92) which is the document used to notify former and current GAIN participants of possible corrective underpayments for transportation costs.
- (l) "Temp GAIN 66" means the Crary v. McMahon Claim Form Temp GAIN 66 (7/92) which is the document used to file a claim for this Court Order.

.3 Informing of Possible Retroactive Benefits

.31 SDSS Responsibilities

SDSS shall:

.311 Include Temp GAIN 64 with the Medi-Cal cards issued for the month of July 1992 to MNO cases. Temp GAIN 64 shall be printed in English on one side with bullets in the five standard languages on the other.

- (a) The English version shall inform potentially eligible persons of possible retroactive benefits for travel expenses incurred by GAIN participants who drove a car to and from their GAIN activities and requested payment of such costs.

(b) The bullets shall state (as translated): "GAIN may owe you money if you drove a car to and from your GAIN activity. Call your GAIN worker or 1-800-XXXX to get more facts."

.312 Print Temp GAIN 65 and 66 in English and Spanish with bullets in Vietnamese, Laotian, Chinese and Cambodian.

.313 Provide counties with a:

(a) Reproducible copy of the Temp GAIN 66.

(b) Supply of Temp GAIN 65.

.314 Provide counties with reproducible copies of NOAs in English and the five standard languages.

.315 Mail copies of Temp GAIN 65 to legal aid and welfare rights organizations of plaintiffs' choice.

.316 Provide public service announcements and news releases to the media two weeks before the beginning of the claim period and two weeks before the end of the claim period.

.32 Responsible Counties

Del Norte, El Dorado, Fresno, Glenn, Imperial, Kern, Lake, Lassen, Madera, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, San Benito, San Bernardino, San Diego, San Francisco, Santa Clara, Santa Cruz, Shasta, Siskiyou, Sonoma, Stanislaus, Tehama, Trinity, Ventura, Yolo and Yuba.

Kings and Tuolumne Counties are exempt from implementation since they have already met the requirements of the Court Order.

.33 County Responsibilities

.331 Counties shall, either:

(a) Within the first 60 days of claim period, identify all former and current GAIN participants within the retroactive period whose transportation expenses were incorrectly limited, calculate the corrective underpayment and issue a NOA (M50-021A Rev. 7/92) [see Section 50-021.531]; or

(b) Identify all former and current GAIN participants within the retroactive period who received transportation supportive services and mail a Temp GAIN 66; or

(c) Mail Temp GAIN 66 to all current AFDC recipients.

.332 Place Temp GAIN 65 in conspicuous locations in all welfare offices, GAIN offices and Food Stamp outlets.

.333 Provide Temp GAIN 65 to:

- (a) Child care resource and referral agencies requesting that the posters be displayed in conspicuous locations.
- (b) Basic educational facilities and training providers under contract with the responsible counties requesting that the posters be displayed in conspicuous locations. This does not include worksite employers.
- (c) Community colleges, state colleges and universities in which GAIN participants attended, requesting that they display the informing posters in conspicuous locations on each campus.

HANDBOOK BEGINS HERE

- (1) It is recognized and agreed that SDSS and/or counties cannot require educational institutions to display the Temp GAIN 65.

HANDBOOK ENDS HERE

.334 Reproduce an adequate supply of the Temp GAIN 66 in English and Spanish.

.335 Give or mail a Temp GAIN 66 to anyone upon request. The Temp GAIN 66 shall be mailed within seven (7) work days after receipt of verbal or written request.

.4 Application For Retroactive Benefits

.41 Claimant Responsibilities

Claimant shall:

.411 Provide a completed, signed Temp GAIN 66 as specified in Section 50-021.521. The Temp GAIN 66 shall be signed under penalty of perjury.

.412 Provide additional information, documentation or clarification upon request from county to verify Temp GAIN 66 information as specified in Section 50-021.55.

.413 Submit Temp GAIN 66 to the responsible county.

- (a) The Temp GAIN 66 shall be submitted on or before the end of claim period. If mailed, postmark must be no later than September 30, 1992.
- (b) Claimant shall be permitted to resubmit a previously denied claim during the claim period.

.42 County Responsibilities

Counties shall:

- .421 If able, identify all former and current GAIN participants who are class members, calculate any corrective underpayment and issue a NOA within 60 days as specified in Section 50-021.531.
- (a) The mileage rate to be used for such a calculation shall be the rate paid to county employees using a private vehicle to accomplish county business during the retroactive period.
- .422 If a claimant submits a Temp GAIN 66, stamp with the date received.
- (a) Retain envelopes that are postmarked after September 30, 1992.
- (b) If the date cannot be determined by either postmark or date stamp, the date the claimant signed the Temp GAIN 66 shall be used to determine when the claim was received.
- .423 If the Temp GAIN 66 is postmarked after claim period, issue a NOA (M50-021B Rev. 7/92) within 60 days denying claim.
- .424 Attempt to locate claimant's case record named on the Temp GAIN 66.
- .425 Maintain all documents until the end of claim period and retain all records which contain documentation relative to this Court Order for three years after the final legal claim has been submitted for federal reimbursement.
- (a) Records included are those used to determine eligibility for the class (including denials) and those used to determine the amount of retroactive benefits.
- (b) Records which are pertinent to the Court Order shall include, but are not limited to, case records, payment records, assistance claims and reimbursement claims.
- .426 Review Temp GAIN 66 to determine the responsible county.
- (a) Process the Temp GAIN 66 within 60 days when the receiving county is the responsible county.
- (b) If a county who receives a Temp GAIN 66 determines that it is not the responsible county, the receiving county shall issue a NOA (M50-021B Rev. 7/92) denying the claim and forward the Temp GAIN 66 to the responsible county within 15 working days from the date the Temp GAIN 66 was received.

- (1) The receiving county shall inform the claimant in the NOA that the Temp GAIN 66 has been forwarded to the responsible county for processing.
- (2) The date the Temp GAIN 66 is submitted to the receiving county shall be the date of the claim.
- (c) If the responsible county cannot be determined, the receiving county shall issue a NOA (M50-021B Rev. 7/92) denying the claim and telling the claimant to resubmit the Temp GAIN 66 to the responsible county within the claim period. The NOA shall also inform claimant of his/her right to a hearing.

.5 Claim Processing

Upon receipt of Temp GAIN 66, the responsible county shall determine whether the claimant is a class member and take appropriate action within 60 days of when the completed claim is received. The county shall:

.51 Complete processing the Temp GAIN 66, to the extent possible, without requiring claimant to come in person to the county.

.52 Review each Temp GAIN 66 received for completeness.

.521 Temp GAIN 66 shall be considered complete when the following questions are completed:

(a) Qualifying class member questions:

(1) Were you in the GAIN Program?

(2) Did you drive a car to and from your GAIN activities?

(b) County of residence during retroactive period.

(c) Claimant's case name used during retroactive period.

(d) Claimant's social security number.

(e) Claimant's signature.

(f) Claimant's date of birth.

.522 The following information shall be provided on the Temp GAIN 66 to the extent possible:

(a) The three "Yes, No and Don't Know" questions.

(b) The approximate date(s) claimant was in the GAIN Program.

(c) Claimant's telephone number.

(d) Claimant's current address.

.53 If claimant is a class member:

Issue a NOA (M50-021A Rev. 7/92) within 60 days from receipt of claim explaining why the claim was approved, when payment can be expected and the formula used to arrive at the corrective underpayment.

.531 If a county has the capability to include the warrant with the NOA, the county shall do so.

.54 If claimant is not a class member:

Issue a NOA (M50-021B Rev. 7/92) within 60 days from receipt of claim explaining why the claimant is not a class member and claimant's right to file for a hearing if he/she does not agree with the county's decision.

.55 Request additional information needed to complete processing Temp GAIN 66. If Temp GAIN 66 is inconsistent with case record or needs clarification, county shall first attempt to resolve issue(s) by telephone.

.551 Issue a NOA (M50-021C Rev. 7/92) within 30 days after receipt of Temp GAIN 66 requesting the documentation, additional information or clarification if unable to resolve problem(s) by telephone.

(a) Claimant shall have 30 days from the date of the NOA to respond to the request for additional information.

(b) If the response is not received within the 30 days, the claim shall be denied.

.552 Request documentation if such is in the claimant's possession and necessary to support the claim.

(a) If claimant does not have the documentation, request that the claimant sign ABCDM 228, or the county equivalent form, to allow the county to obtain documentation on behalf of the claimant.

(b) If claimant is unable to provide the requested documentation, a declaration signed under penalty of perjury affirming the information shall be accepted in lieu of the documentation, unless there is conflicting evidence in the case record or information known to the county.

.553 Complete processing the claim within 30 days after receiving the additional information.

(a) If the additional information establishes eligibility, issue a NOA (M50-021A Rev. 7/92) explaining why the claim was approved, when payment can be expected and the formula used to arrive at the corrective underpayment.

(b) If the additional information does not establish eligibility, issue a NOA (M50-021B Rev. 7/92) explaining why the claim was denied and the claimant's right to a hearing if the claimant does not agree with the decision.

.554 Issue a NOA (M50-021B Rev. 7/92) if the claimant fails to provide documentation in his/her possession or sign the ABCDM 228 or a document of self-certification in support of the claim.

.56 Process the first claim and deny any subsequent claims related to this Court Order or any other court order or settlement if more than one claim is filed for the same action.

.6 Computation of Corrective Underpayments

.61 In the AFDC Program, a corrective underpayment is not to be considered as income or a resource for AFDC grant calculation in the month received and the following month.

.62 In the Food Stamp Program, a corrective underpayment shall be counted as a resource but excluded as income in the month received.

.63 County shall offset any corrective underpayment against outstanding recoupable overpayments.

.631 For claimants no longer in the GAIN Program or on AFDC, the responsible county must still offset the retroactive payment for supportive services against any outstanding overpayment.

.64 County shall ensure that a corrective underpayment for this Court Order is not considered a part of the AFDC grant calculations even when reported on the monthly reporting document.

.65 The legal rate of interest shall be paid by counties to all class members who are no longer on aid as specified in Civil Code Section 3287.

.7 Statistical Reporting

.71 Counties shall submit the GEN 1172 no later than March 1, 1993 to the Statistical Services Bureau.

.72 Report shall include the number of:

.721 Temp GAIN 66s counties mailed or handed to potentially eligible persons.

.722 Temp GAIN 66s received by counties as a claim.

.723 Cases identified by a county as receiving transportation supportive services and mailed a Temp GAIN 66.

.724 GAIN participants identified by a county as class members and issued a warrant correcting the underpayment.

.725 Claims (Temp GAIN 66) approved.

.726 Claims (Temp GAIN 66) denied because:

- (a) Temp GAIN 66 was submitted after the claim period.
- (b) Temp GAIN 66 was incomplete and county was unable to get the information needed from claimant to complete claim.
- (c) Claimant was not a member of the class.
- (d) County receiving the Temp GAIN 66 was not the responsible county. Receiving county forwarded Temp GAIN 66 to the responsible county.
- (e) County receiving the Temp GAIN 66 was not the responsible county. Receiving county could not determine the responsible county.
- (f) Other denials.

.727 Total benefits paid.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Crary v. McMahon, Sacramento County Superior Court, Case No. 363143.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 5-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (If any)

RDB #0392-09

OAL FILE
NUMBERSNOTICE FILE NUMBER
Z92-0518-01

REGULATORY ACTION NUMBER

92-1005-01C

EMERGENCY NUMBER

92-0609-04E

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 OCT -5 PM 4:05

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

NOV 18 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

NOV 18 1992

At 3:26 O'clock P. M.

MARCH FONG EU, Secretary of State

By Bette Lowery
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Tier II Performance Standards		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 92, #23-2	PUBLICATION DATE 6-5-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT Division 12, Section 12-207
SECTIONS AFFECTED	AMEND Division 12, Section 12-206
	REPEAL

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TITLE OF SIGNATORY

Rose Anderson, Director

10-5-92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READoption

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

UPDATED INFORMATIVE DIGEST

Assembly Bill 1033 (Chapter 1647, Statutes of 1990) added Section 15200.8 et seq. to the Welfare and Institutions Code which requires the State Department of Social Services (SDSS) to develop a two-tier performance-based incentive payment system in the Child Support Enforcement Program (CSEP). The two-tier performance standards model was developed by SDSS in conjunction with the California Family Support Council's Performance Standards Advisory Committee. The first tier of the Performance Standards Model, Tier I, provides a base incentive rate to all counties and a higher compliance incentive rate to only those counties determined to be in compliance with all federal and state requirements under the CSEP. The Tier I incentive regulations are contained in the Manual of Policies and Procedures, Division 12, Section 12-206. The second tier of the performance standards incentive payment system, Tier II, provides a graduated scale of incentive rates payable to counties who also qualify for Tier I compliance rate incentives. The Tier II incentive rate is based on points given for performance in certain program standards (i.e., establishment of paternity and establishment of support orders) and collection increases.

These regulations are necessary to make specific the provisions of law. The regulations establish the program performance standards, the points and scoring methodology to determine the rate of incentive payment entitlement. SDSS is the designated agency responsible for evaluation of each county's level of performance and incentive rate entitlement.

FINAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

Assembly Bill 1033 (Chapter 1647, Statutes of 1990) added Section 15200.8 et seq. to the Welfare and Institutions Code which requires the State Department of Social Services (SDSS) to develop a two-tier performance-based incentive payment system. The two-tier performance standards model was developed by SDSS in conjunction with the California Family Support Council's Performance Standards Advisory Committee. The first tier of the Performance Standards Model, Tier I, provides a base incentive rate to all counties and a higher compliance incentive rate to only those counties determined to be in compliance with all federal and state requirements under the Child Support Enforcement Program (CSEP). The Tier I incentive regulations are contained in the Manual of Policies and Procedures, Division 12, Section 12-206. The second tier of the performance standards incentive payment system, Tier II, provides a graduated scale of incentive rates payable to counties who also qualify for Tier I compliance rate incentives. The Tier II incentive rate is based on points given for performance in certain program standards (i.e., establishment of paternity and establishment of support orders) and collection increases.

These regulations are necessary to make specific the provisions of law. The regulations establish the program performance standards, the points and scoring methodology to determine the rate of incentive payment entitlement. SDSS is the designated agency responsible for evaluation of each county's level of performance and incentive rate entitlement.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are NecessarySection 12-206Specific Purpose:

Section 12-206 title is being amended to clarify that the statutory base and compliance incentive rates are the first level, Tier I, of the performance-based incentive payment system.

Factual Basis:

Welfare and Institutions Code Sections 15200.8(a) and (b) require SDSS to establish a two-level performance-based incentive payment system. The first level, Tier I, refers to the rate of incentive entitlement based on the determination of county compliance. Counties that have been determined to be out of compliance are only entitled to incentives at the statutory base rate. Counties that have been determined to be in marginal or substantial compliance are entitled to both the statutory base rate and the statutory compliance rate incentive. This amendment is necessary to provide clarity of terms used in Division 12 to ensure consistency of interpretation and program operations throughout the state.

Section 12-207

Specific Purpose:

This order adopts the section title, Performance Standards Incentives - Tier II.

Factual Basis:

A title is necessary to designate the contents of this section.

Section 12-207.1

Specific Purpose:

This section specifies that district attorneys who are eligible for the statutory compliance rate incentive, under Tier I, will be evaluated to determine entitlement to the statutory performance rate incentive, under Tier II.

Factual Basis:

Welfare and Institutions Code Sections 15200.8(a) and (b) require SDSS to establish a two-level performance-based incentive payment system. The first level, Tier I, provides incentives based on compliance with state and federal regulations. The second level, Tier II, provides incentives based on the level of program performance standards set forth by SDSS. District attorneys determined to be in compliance are eligible for evaluation to determine entitlement to performance rate incentives, under Tier II. This section is necessary to establish the procedure of evaluation by SDSS of district attorney's performance to determine the rate of performance incentive entitlement, under Tier II.

Sections 12-207.11, .111, .112, and .113

Specific Purpose:

These sections specify that the source of information that will be used by SDSS to evaluate the district attorney's program performance standards is the Monthly Statistical Report on Child Support Enforcement Activities, CS 850, and specify the time periods that will be evaluated each state fiscal year.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to establish the second level of the performance-based incentive payment system, Tier II. The source of information that will be used in the evaluation of district attorney performance is the Monthly Statistical Report, CS 850. The Monthly Statistical Report provides federally required information on child support cases, such as case status (AFDC, Foster Care, non-AFDC), children needing paternity services, cases/statuses needing absent parents' location, paternity establishment, support order establishment, support orders enforced, and

information concerning services provided. The CS 850 is the only report that will provide SDSS with the information to measure the program performance standards. This regulation is necessary to establish that the CS 850 is the information source that will be used by SDSS to evaluate district attorney performance and determine the rate of performance incentive entitlement, under Tier II, and to identify the specific report months that will be evaluated each state fiscal year. This regulation also helps to ensure that the CS 850 is completed by district attorneys in a full, complete, accurate, and timely fashion.

Section 12-207.2

Specific Purpose:

This section specifies that SDSS will evaluate the counties' performance during the first quarter of each state fiscal year.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to establish the second level of the performance-based incentive payment system, Tier II. Tier II provides an additional incentive to district attorneys which meet the program standards set forth by SDSS. However, in order to determine entitlement to Tier II incentives, SDSS must first evaluate district attorney performance. The first quarter of each state fiscal year will ensure that district attorney's performance is evaluated by SDSS on a timely basis. SDSS will need the quarter to obtain the district attorney's prior two years' statistical information for evaluation and determination of the rate of Tier II performance incentives. This regulation is necessary to ensure that the district attorney will be paid the full incentive entitlement during the state fiscal year by allowing sufficient time for SDSS to obtain and evaluate county performance for determination of Tier II incentives.

Sections 12-207.3, .31 et seq., and .32 et seq.

Specific Purpose:

These sections specify the program standards that will determine the rate of incentive payment entitlement under Tier II of the performance-based incentive payment system.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to establish the second level of the performance-based incentive payment system, Tier II. Tier II provides an additional incentive to district attorneys which meet the program performance standards set forth by SDSS. The specific Tier II program standards and the methodology for evaluating district attorney performance was developed by the SDSS in conjunction with the California Family Support Council's Performance Standards Advisory Committee.

Establishment of paternity and establishment of support orders were the performance standards developed to evaluate district attorney performance and entitlement to the Tier II performance incentives because these activities are two critical program steps needed to legally establish parental financial responsibility. Establishing paternity is also a federal program audit standard which could result in a severe federal audit sanction for noncompliance. Support order establishment directly increases collections, which reduce taxpayer burden through recovery of welfare benefits. Collections for non-AFDC families helps to keep families off of AFDC.

The program standards contain two separate evaluations, one to measure district attorney improvement from the prior year and the other measuring district attorney performance against the statewide average. Thus, district attorneys falling below the statewide average will be measured for their performance based on their own level of improvement from the prior year.

This regulation is necessary to establish the standards and the methodology used in evaluating district attorney performance levels to determine the rate of entitlement to performance rate incentives under Tier II of the performance-based incentive payment system.

Sections 12-207.4, .41, and .42

Specific Purpose:

These sections specify the number of points that will be given for the evaluation of the program standards.

Factual Basis:

Welfare and Institutions Code Section 15200.8 (b)(4) requires SDSS to establish the second level of the performance-based incentive payment system. Tier II, provides an additional incentive rate to district attorneys that meet the program performance standards set forth by SDSS. However, in order to determine the level of performance, the Performance Standards Committee determined that the percentages of program performance would be assigned point values to measure program performance levels.

The methodology for setting the points and percentage ranges was determined using statistical averages of the alternative evaluations of each performance standard, from information reported by the district attorney on the Monthly Statistical Reports, CS 850, for State Fiscal Years 1988/89 and 1989/90. The weighted mean (i.e., the average of the sum total of the percentages with the highest and lowest percentages removed) was determined for each of the program standard's alternative evaluation results. The weighted mean for the paternity establishment improvement from the prior year alternative evaluation was averaged with the weighted mean for the establishment of support order improvement from the prior year alternative evaluation. The weighted averages were also averaged for the program standard evaluations which compared county performance against the average statewide improvement percentage. The average weighted mean was rounded, and set as the lowest percentage in the middle range of 5 separate groupings of percentages. The

range which included the average weighted mean percentage was given half of the total points available (the total points available were determined at random). The remaining ranges were assigned points in proportional increments.

This regulation is necessary in order to establish the procedure by which each of the performance evaluation results will be measured to determine the rate of incentive entitlement under Tier II.

Sections 12-207.5, .51, and .52

Specific Purpose:

These sections specify that in each program performance standard, the evaluation which results in the highest point value is considered the district attorney's performance for that program standard, and the two scores are added together to determine an overall county score.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to establish the second level of the performance-based incentive payment system, Tier II. Tier II, provides additional incentives to district attorneys based on their performance level in the program standards set forth by SDSS. Because each of the program standards have two separate evaluations of performance, one evaluation which measures the district attorney's improvement from the prior year and the other which measures district attorney's performance against the statewide average, only one of the evaluations is considered the district attorney's performance in that standard. The high points are added together to determine a total county score based on the program performance standards. This regulation is necessary to establish the procedure by which the district attorney's performance is measured to determine the rate of performance incentives under Tier II.

Handbook Sections 12-207.53, .531 through .533

These sections provide, in handbook, examples of points scoring for the district attorney's performance for each program standard and the resulting total county score.

Section 12-207.6

Specific Purpose:

This section specifies that in addition to the points earned based on the results from the evaluation of the program performance, 16 bonus points will be earned when the district attorney's collection increase in the previous year is at or above the average statewide increase from the previous two years.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to develop the second level of the performance-based incentive payment system, Tier II. Tier II provides additional incentives to district attorneys based on their performance in the program standards set forth by SDSS. Since the primary goal of the child support enforcement program is to obtain financial support for children, bonus points can be earned if the district attorney's percentage of increase over the prior year is at or above the average statewide increase percentage from the prior two years. Bonus points would provide additional motivation to continue increasing collection levels. District attorneys earning 16 points would at least earn the minimum performance rate incentive. Sixteen bonus points might qualify some district attorneys for enough additional points to qualify for the next higher rate of Tier II performance incentives. This regulation is necessary to establish the procedure by which the rate of incentive entitlement under Tier II is determined.

Section 12-207.61

Specific Purpose:

This section specifies that the district attorney's collection report, CS 820, will be used as the source of information for determining entitlement to bonus points.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to establish the second level of the performance-based incentive payment system, Tier II. Tier II provides additional incentives to district attorneys based on performance in the program standards set forth by SDSS. In order to determine if the district attorney is eligible for bonus points, SDSS will use information from the Child/Spousal/Medical Support Collections Summary Report, CS 820. This regulation is necessary to specify the source of information that will be used by SDSS in determining entitlement to bonus points for determining the rate of performance incentives under Tier II.

Section 12-207.62

Specific Purpose:

This section specifies that bonus points will be available only in years in which collections increase on a statewide basis.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to establish the second level of the performance-based incentive payment system, Tier II. Tier II, provides additional incentives to district attorneys based on their level of performance in program standards set forth by SDSS. It has been the Department's policy to establish "bonus" incentives to reward district attorneys for increasing collections in years in which the state, as a whole,

has increased collections. This regulation is necessary in order to ensure there will only be entitlement to bonus points in a year in which collections increase statewide.

Section 12-207.63

Specific Purpose:

This section specifies that bonus points will be added to the points earned based on district attorney performance in the program standards.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) requires SDSS to establish the second level of the performance-based incentive payment system. Tier II provides additional incentives to district attorneys based on their performance in the program standards set forth by SDSS. However, in order to determine the district attorney's total score for performance, the points earned based on collection increases will be added to the points earned based on performance in the program standards. This regulation is necessary to establish the procedure by which SDSS will score the district attorney for determining the rate of performance incentives under Tier II.

Sections 12-207.7 and .71

Specific Purpose:

These sections specify the rate of Tier II performance incentive entitlement based on the total points earned.

Factual Basis:

Welfare and Institutions Code Section 15200.9(b) requires the Tier II performance incentive rates to be established as a graduated scale based on the level of performance. This regulation is necessary to establish the graduated scale of incentive rate entitlement based on the total points earned by the district attorneys.

Handbook Section 12-207.711

This handbook section provides an example for determining the total score for incentive entitlement showing the determination of the bonus points and its addition to the points earned for performance in the specific program standards.

Section 12-207.8

Specific Purpose:

This section specifies that Tier II performance rate incentives will be paid with, and in addition to, the compliance rate incentives under Tier I.

Factual Basis:

Welfare and Institutions Code Section 15200.9(a) requires the performance rate incentives, under Tier II, to be paid in addition to the base and compliance rate incentives, under Tier I. Although the law specifically requires Tier II performance incentives to be paid in addition to Tier I incentives, this regulation is necessary in order to reaffirm this requirement.

In addition, this section establishes that Tier II performance rate incentives will be paid with the incentives earned under Tier I. This regulation establishes the procedure by which SDSS will make incentive payments to ensure that district attorneys will be paid their full incentive entitlement.

Section 12-207.81

Specific Purpose:

This section specifies that entitlement to incentives paid under Tier II, will be effective the same month that the district attorney is entitled to Tier I compliance rate incentives.

Factual Basis:

Welfare and Institutions Code Section 15200.8(b)(4) specifically limits district attorney entitlement of Tier II incentives to concurrent entitlement of Tier I compliance rate incentives. Although the law specifically addresses that district attorneys are not entitled to payment of Tier II incentives in any year, month, or quarter, unless also eligible for compliance rate incentives under Tier I, this regulation is necessary to reaffirm this requirement.

Section 12-207.82

Specific Purpose:

This section specifies that both Tier I and Tier II incentives will be paid based on distributed support collections reported by the district attorney's collection reports, CS 800 and CS 820.

Factual Basis:

Welfare and Institutions Code Sections 15200.8(c)(1) and .9(a) require both Tier I base and compliance rate incentives and Tier II performance rate incentives to be paid based on distributed collections (i.e., collections used to reduce or repay aid, collections paid to an aided family, collections paid to a non-AFDC family, and collections paid to other state child support agencies). Therefore, two district attorney collection reports, Summary Report of Child and Spousal Support Payments (CS 800) and the Child/Spousal/Medical Support Collections Summary Report (CS 820), provide SDSS with distributed collection amounts. This regulation is necessary to specify the reports that will be used to make incentive payments to district attorneys.

c) Identification of Documents Upon Which Department Is Relying

Assembly Bill 1033, Chapter 1647, Statutes of 1990

d) Testimony and Response

These regulations were considered as Item #1, Tier II Performance Standards Regulations, at the public hearing on July 22, 1992, at Sacramento, California. The public hearing was preceded by a 45-day public comment period from June 5, 1992 through July 22, 1992. No oral testimonies were presented at the public hearing; however, the following presented written testimony during the public comment period:

Legal Services of Northern California LSNC

Yuba County District Attorney YCDA

The Department's response follows each summarized comment below. Every effort was made to retain the original intent of the testifier and editorial corrections were avoided whenever possible.

Finding of Emergency

1. Comment:

YCDA requests the Department's "...explanation of the presence of the following statement which appears as the first sentence of the fourth paragraph of the 'Finding of Emergency' which accompanied the proposed regulations:

'Without the potential to earn Tier II incentives, we seriously doubt that district attorneys would maintain or improve performance in establishing paternity and support orders and obtaining support for California's needy children.' (Emphasis added)"

Response:

This statement was to emphasize the point with regard to the importance that incentives have upon counties and how the lack of sufficient funding will affect some counties' performance. Over the last several years, there has been an onslaught of new federal requirements, such as expanded statistical reporting, OCSE 156 and 158, time standards for program operations, medical support requirements and the requirement that all State Child Support Enforcement Programs be automated by October 1, 1995. These requirements have been and will continue to be costly for counties. The additional funds under Tier II will assist counties in meeting new program requirements as well as maintaining and improving services. Therefore, because program funding (i.e., incentive payments) is a critical element in ensuring that all program requirements are met in the state, the availability of Tier II incentives will assist counties in not losing ground on the expanded program requirements.

General

2. Comment:

LSNC comments, "California law already has a reward for paternity establishment. Rewards are needed for excellence in actually collecting the support. Many of our clients have orders but receive no money. Special incentives should not be given for establishing orders against absent parents with little or no income. This is not the most effective use of D.A. time."

Response:

The \$90 paternity establishment incentive under Welfare and Institutions Code Section 15200.6 is no longer operational. The paternity establishment standard, under Tier II, has replaced the \$90 paternity incentive and reward counties in compliance based on their level of performance.

Although Tier II standards provide points for performance in specific program functions, the rate of earned incentives is, in fact, applied only against actual support dollars collected.

3. Comment:

LSNC comments, "DSS should use additional incentives to reward actions that would make a real difference such as:

- "a. An effective system of case management.
- "b. Adequate staffing to do the job.
- "c. A meaningful grievance procedure.
- "d. Prompt action when the custodial parent gives the DA new information.
- "e. Appropriate modification of support orders."

Response:

California law at Welfare and Institutions Code Section 15200.8 requires SDSS to implement a two-tiered incentive payment system that provides incentives to counties based on compliance and performance. The first tier, Tier I, measures county compliance with all required child support enforcement activities which incorporate those areas suggested by LSNC both directly and indirectly.

4. Comment:

LSNC states, "It appears that DSS is trying to set the threshold for incentive payments low enough to get state money to counties. It would make more sense to find a way to give counties the money they need for adequate staffing and then to reward real excellence, rather than giving many counties more money because they did slightly better than their previous poor performance."

Response:

Tier II is designed to provide an incentive for improvement or sustained superior performance. We believe that these incentives, the rate of which is based upon level of performance, encourages ongoing improvement in order to achieve greater rewards. Those counties earning the maximum Tier II incentive rate are, in fact, doing an outstanding job. This incentive structure affords counties flexibility to use the earned incentives for staffing or any other resource investment they deem appropriate. Counties that do not receive any points, will not be rewarded with any additional incentives under Tier II. Counties that earn only the minimum points will be receiving a lower rate of additional incentives and counties that have "superior" performance will be rewarded with the maximum incentive rate available.

The Governor's June 1992 Child Support Enforcement Vision for Excellence sets forth a multi-faceted approach to state investment in the local child support program. The "pump priming" component of the Vision would provide up to \$10 million in additional state funds to counties with innovative ideas for local program improvement. The proposal does not preclude counties from requesting additional funds in order to increase staffing levels.

e) Local Mandate Statement

These regulations do not impose a mandate upon local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

SDSS has determined that this regulation will have no fiscal impact on private persons or businesses because the regulation will not involve these parties.

SDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

g) Small Business Impact Statement

SDSS has determined that this regulation will have no adverse economic impact on small business because this regulation does not affect small businesses.

h) 15-Day Renotice Statement

SDSS did not renotice these regulations because no changes requiring renotice were made to the regulations following the public hearing.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8, 15200.85, and 15200.9, Welfare and Institutions Code.

- .1 Effective State Fiscal Year (SFY) 1993/1994, each district attorney who qualifies for the compliance rate incentive, under Tier I, shall be eligible for evaluation by the Department to determine if there is entitlement to part or all of the statutory performance rate incentive based on performance in specific program standards.
 - .11 The district attorney's performance evaluation of the program standards specified in Section 12-207.3 shall be based on information reported on the Monthly Statistical Report on Child Support Enforcement Activities, CS 850 (7/91), for the following time periods:
 - .111 For SFY 1993/94 performance incentive: January 1992 through June 1992 and January 1993 through June 1993.
 - .112 For SFY 1994/95 performance incentive: July 1992 through June 1993 and July 1993 through June 1994.
 - .113 For SFY 1995/96 performance incentive: July 1993 through June 1994 and July 1994 through June 1995.
- .2 The district attorney's performance in specific program standards shall be evaluated by the Department in the first quarter of each SFY, beginning with SFY 1993/94.
- .3 The specific program standards that shall be evaluated by the Department are the following:
 - .31 Establishment Of Paternity Standard
 - .311 Evaluation of the Percent of Improvement from Prior Year

Each district attorney's prior year total number of children for whom paternity was established is compared to the total number of children for whom paternity establishment was pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the district attorney's performance from the year before the prior year and
 - .312 Evaluation of the Percent of Performance compared with average Statewide Performance Percentage

Each district attorney's prior year number of children for whom paternity was established is compared to the district attorney's total number of children for whom paternity establishment was pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared with the combined average statewide performance percentage by all district attorneys from the following prior years:

- (a) For SFY 1993/94, the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for January 1992 through June 1992 and January 1993 through June 1993.
- (b) For SFY 1994/95, the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for July 1992 through June 1993 and July 1993 through June 1994.
- (c) For SFY 1995/96 the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for July 1992 through June 1993, July 1993 through June 1994 and July 1994 through June 1995.

.32 Establishment Of Support Obligation Standard

.321 Evaluation of the Percent of Improvement from Prior Year

Each district attorney's prior year total number of cases in which support orders were established is compared to the total number of cases in which support order establishment is pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the district attorney's performance in the year before the prior year and

.322 Evaluation of Performance Compared to the Average Statewide Performance Percentage

Each district attorney's prior year number of cases in which support orders were established is compared to the total cases in which support order establishment is pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the combined average statewide performance percentage by all district attorneys from the following prior years:

- (a) For SFY 1993/94, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for January 1992 through June 1992 and January 1993 through June 1993.
- (b) For SFY 1994/95, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for SFYs 1992/93 and 1993/94.
- (c) For SFY 1995/96, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for SFYs 1992/93, 1993/94 and 1994/95.

- .4 The evaluations in each of the program standards in Sections 12-207.31 and .32 shall be rounded to the nearest whole percentage points and assigned the following point values:

- .41 Evaluation of the Percent of Improvement from Prior Year and

Percent of Improvement		Points
1% through 15%	=	1
16% through 30%	=	15
31% through 45%	=	30
46% through 60%	=	45
61% and above	=	60

- .42 Evaluation of the Percent of Performance Compared to the Average Statewide Performance Percentage

Percent of Performance Compared to the Average Statewide Performance Percentage		Points
1% through 9%	=	1
10% through 19%	=	15
20% through 29%	=	30
30% through 39%	=	45
40% and over	=	60

- .5 In each of the program standards in Sections 12-207.31 and .32, establishment of paternity and establishment of support obligations, only the results of one evaluation in each standard shall be considered the district attorney's performance level in that standard.

- .51 The results of the evaluations of the program standards that have the highest points shall be considered the district attorney's performance level in that program standard.

- .52 The points assigned to each program standard shall be added together to determine a county score.

Handbook Begins Here

- .53 The following is an example of how the results of the district attorney's performance evaluations are scored:

- .531 For the Establishment of Paternity standard, the percent of improvement from prior year evaluation results in a district attorney performance level of 13 percent and the evaluation which compares district attorney performance to the average statewide performance percentage result is 19 percent. One (1) point is earned for the district attorney's evaluation of the percent of improvement from the prior year and fifteen (15) points is earned for the district attorney's evaluation of the percent of

performance compared to the average statewide performance percentage. However, because only the evaluation which results in the highest point value is considered the district attorney's performance level for that standard, the district attorney would earn 15 points for the Establishment of Paternity standard.

.532 For the Establishment of Support Order standard, the percent of improvement from prior year evaluation results in a district attorney performance level of 8 percent and the evaluation which compares district attorney performance to the average statewide performance percentage result is 41 percent. One (1) point is earned for the district attorney's evaluation of the percent of improvement from the prior year and sixty (60) points is earned for the district attorney's evaluation of the percent of performance compared to the average statewide performance percentage. However, because only the evaluation which results in the highest point value is considered the district attorney's performance level for that standard, the district attorney would earn 60 points for the Establishment of Support Order standard.

.533 The 15 points earned under the Establishment of Paternity standard is then added to the 60 points earned under the Establishment of Support Order standard resulting in a total county score of 75 points.

Handbook Ends Here

.6 In addition to the county score in Section 12-207.52, the district attorney shall also be eligible to earn 16 bonus points when the county's total child/spousal and medical support collection increase percentage in the prior year is equal to or greater than the average of the statewide collection increase percentage from the previous two years.

.61 The district attorney's collection increase shall be determined from collection information reported by the district attorney on the Child/Spousal/Medical Support Collections Summary Report, CS 820 (8/91).

.62 The district attorney shall not be entitled to any bonus points in any year in which collections do not increase on a statewide basis, as described in Section 12-207.6 above.

.63 If the district attorney is entitled to the 16 bonus points, the points will be added to the county score in Section 12-207.52.

- .7 The total county score under Section 12-207.52 and any applicable bonus points under Section 12-207.6 will be totalled and applied against the following schedule to determine the district attorney's performance incentive rate:

.71 Total Score	Performance Incentive Rates		
	SFY 93/94	SFY 94/95	SFY 95/96
15 - 30	.25%	.50%	.75%
31 - 60	.50%	1.00%	1.50%
61 - 90	.75%	1.50%	2.25%
91 - 136	1.00%	2.00%	3.00%

Handbook Begins Here

- .711 The following is an example of how the bonus points will be added to the points earned from the evaluations of performance in the specific program standards for determining a total score for incentive entitlement:

- (a) If the district attorney's child/spousal and medical support collection increase percentage in the prior year is 12 percent and the average statewide collection increase percentage from the previous two years is 10 percent, the district attorney would earn 16 bonus points.
- (b) Sixteen (16) bonus points are then added to the county score determined by the performance evaluations in the specific program standards under Section 12-207.52. Using the example in 12-207.533, the county score for performance in the program standards is 75 points. Adding 16 bonus points to this score, because the district attorney's collection increase was above the average statewide percentage increase, provides the district attorney with a grand total of 91 points, thereby qualifying for an additional performance incentive rate of 1 percent for collections distributed during SFY 93/94.

Handbook Ends Here

- .8 The performance rate incentive calculated under this section will be paid with, and in addition to, the compliance rate incentives paid under Tier I.
- .81 Entitlement to performance rate incentives shall be effective in the same month that the district attorney is entitled to the compliance rate incentive under Tier I, beginning in SFY 1993/94.

.82 Incentive rates determined under both this section and Section 12-206 will be paid on distributed child/spousal and medical support collections, based on collection information provided by the district attorney on the Summary Report of Child and Spousal Support Payments, CS 800 (1/92), and the Child/Spousal/Medical Support Collections Summary Report, CS 820 (8/91).

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8, .85, and .9 of the Welfare and Institutions Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD 400 (REV. 2-91)

(See instructions on reverse)

For use by Secretary of State only

AGENCY

AGENCY FILE NUMBER (If any)

State Department of Social Services

0992-32

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-1113-01E

For use by Office of Administrative Law (OAL) only

1992 NOV 13 AM 11:32

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

NOV 20 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILEDIn the office of the Secretary of State
of the State of California

NOV 20 1992

At 329 O'clock P M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Emergency Response Protocol		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		<input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND 30-132
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☒ Emergency (Gov. Code, § 11346.1(b))
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☒ Effective other (Specify) December 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistance Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

DATE

NOV 12 1992

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 30-132 to read:

30-132 RESPONSE TO REQUESTS AND REFERRALS

30-132

.1 The county welfare department shall respond to the following:

- .11 All law enforcement referrals.
- .12 Any other referrals for service which allege that a child is endangered by abuse, neglect, or exploitation.

1121 The following referrals/ after screening and in the absence of any additional risk element/ are inappropriate for an emergency response assessment/ as defined in Section 30-002(1)(a). An emergency response assessment on any of the following referrals may be appropriate if additional risk is present to the child/ if it is determined that Child Welfare Services are unnecessary/ but that the services of another community agency are appropriate/ the social worker shall refer the child and/or family to such agency/

(a) Abuse/ neglect or lack of supervision in day care/

(b) Bruises with no evidence of abuse/

(c) Child is a runaway/

(d) Children not using seat belts or car seats in moving vehicles/

(e) Children 12 or over left unsupervised for two to three hours in the daytime or early evening where no clear and present danger can be cited/

(f) Custody issues where no abuse is alleged to have occurred/

(g) Death of a child where there are no other children in the family or in the home/

(h) Dirty homes with only teenage minors/

(i) Drug/alcohol abuse of parents/

(j) Families or children that are reported as nuisances in the neighborhood/

(k) Head lice/

(l) History of childhood physical or sexual abuse of a child who is now an adult/

(m) Homeless family/overcrowded housing/

- 1ny Mandated reporters meeting their reporting responsibilities but the report does indicate child abuse/ exploitation/ or neglect as defined in Sections 30+002a/11/ 30+002e/12/ or 30+002n/
- 1oy Minors exhibiting behavior pursuant to Welfare and Institutions Code Sections 801 or 802/
- 1py Minors living apart from relatives/
- 1qy Minors with mental health problems/
- 1ty Neglect cases which have been closed as unfounded or unsubstantiated within the previous month and there are no new allegations or evidence/
- 1sy Sounds of children crying or being spanked with no indication of injury/
- 1xy Parent/child conflict where there is no evidence of physical or sexual abuse/
- 1uy Parents sleeping or bathing with children/ considering age of child/ sex and circumstances/
- 1vy Past physical abuse which occurred over one year ago and there has been no evidence of subsequent physical abuse/
- 1wy Physical or sexual abuse referrals which have already been investigated and there are no new allegations or evidence/
- 1xy Pregnancy/ in and of itself/ of a minor/
- 1yy Reasonable and ageappropriate spanking/ as defined in Welfare and Institutions Code Section 3001a/ to the buttocks where there is no evidence of serious physical injury/
- 1zy Repeated unfounded or unsubstantiated referrals from the same reporter/
- 1aay Sibling physical abuse/ unless parent demonstrates negligence through inability or unwillingness to protect the child victim/
- 1bby Spousal abuse only/
- 1ccy Teenager is beyond parental control/
- 1ddy Truancy/lack of school attendance/

- (a) Information regarding the child alleged to be abused, neglected, or exploited, which shall include:
- (1) Information specified in Section 30-132.211(f),
 - (2) Case name, and
 - (3) Case number.
- (b) Information regarding the referral, which shall include:
- (1) Time and date referral received, and
 - (2) Location of alleged incident.

21. The following identifying information:
Protocol form, the substitute shall at a minimum contain all of the following elements:
In order to be approved as a substitute for the Emergency Response determine whether an in-person response investigation is required.

2. The social worker shall initiate and complete the Emergency Response Protocol process by recording all available and appropriate information on the Emergency Response Protocol form, SOC 423 (10/92), or an approved substitute, immediately upon receipt of any referral alleging child abuse, neglect or exploitation in accordance with the following: The substitute shall be approved as a substitute for the Emergency Response Protocol form, the substitute shall at a minimum contain all of the following elements:
In order to be approved as a substitute for the Emergency Response determine whether an in-person response investigation is required.

(c) Information regarding the reporter, which shall include:

- (1) Name,
- (2) Relationship to child,
- (3) Agency affiliation, if a mandated reporter,
- (4) Address, and
- (5) Phone number (home/work).

(d) Information regarding each adult in the household, which shall include:

- (1) Name,
- (2) Relationship to child,
- (3) Age and birthdate,
- (4) Ethnic background,
- (5) Primary language, if non-English speaking,
- (6) Current location, and
- (7) Phone number(s).

(e) Information regarding the alleged perpetrator, which shall include:

- (1) Name,
- (2) Information specified in Section 30-132.211(d), and
- (3) Access to the child.

(f) Information regarding each minor child in the family, which shall include:

- (1) Name,
- (2) Age and birthdate,
- (3) Sex,
- (4) Primary language, if non-English speaking,
- (5) Current location,
- (6) Name and address of school/daycare, if applicable, and

(7) Current location and phone number of each absent parent.

.212 A description of the alleged incident, including consideration of the following risk factors:

(a) Precipitating incident including the following:

(1) Severity and frequency;

(2) Location and description of injury on child's body; and

(3) History of child abuse.

(b) Child characteristics including the following:

(1) Age, vulnerability, special circumstances; and

(2) Behavior, interaction with caretakers, siblings, and peers.

(c) Caretaker characteristics including the following:

(1) Capacity for child care;

(2) Interaction with children, other caretakers;

(3) Skill/knowledge; and

(4) Substance abuse, criminal behavior, and mental health.

(d) Family factors including the following:

(1) Relationships, support systems;

(2) History of abuse;

(3) Presence of parent substitute;

(4) Environmental conditions; and

(5) Family strengths.

.213 Information regarding a records review.

.214 Information regarding the collateral contacts, including the following:

(a) Date of contact,

(b) Name and phone number of each person contacted,

(c) Agency affiliation or person's relationship to the child, and

(d) Summary of information obtained.

.215 Decision criteria. The decision whether or not an in-person investigation is necessary shall include, but not be limited to, consideration of the following factors:

(a) The ability to locate the child alleged to be abused and/or the family.

(b) The existence of an open case and the problem described in the allegation is being adequately addressed.

(c) The allegation meets one or more of the definitions of child abuse, exploitation or neglect contained in Sections 30-002a.(1), 30-002e., or 30-002n.

(d) The perpetrator is a caretaker of the child or the caretaker was negligent in allowing, or unable or unwilling to prevent, the perpetrator access to the child.

(e) The allegation includes specific acts and/or behavioral indicators which are suggestive of abuse, neglect, or exploitation.

(f) There is additional information from collateral contacts or records review which invalidates the reported allegation.

(g) There are previously investigated, unsubstantiated or unfounded reports from the same reporter with no new allegations or risk factors.

.216 The decision whether an in-person investigation is required, including the following outcome options.

(a) Evaluate out, with no referral to another community agency;

(b) Evaluate out, with a referral to an appropriate community agency; or

(c) Accept for in-person investigation.

.217 When the decision is to evaluate out, either with or without a referral to another community agency, the following information:

(a) Rationale for the decision; and

(b) Supervisor approval.

.3 The social worker shall complete the Emergency Response Protocol process by determining if an in-person investigation is required.

.31 If it is determined that an in-person investigation is unnecessary but that the services of another community agency are appropriate, the social worker shall refer the reporter to that agency.

.32 For reporting purposes a county shall be permitted to count each completed Emergency Response Protocol form, or approved substitute, as one Emergency Response Assessment Case wherein a referral is evaluated out, either with or without a referral to another community agency.

.321 The Emergency Response Protocol form, or approved substitute, is complete when the social worker has recorded enough information as specified in Section 30-132.2 to document the decision as to whether or not to make an in-person investigation and shall include:

- (a) The specific decision outcome,
- (b) The rationale for evaluating out the referral, and
- (c) The supervisor approval.

.214 An in-person response shall be made immediately under either of the following circumstances:

.2141 A law enforcement agency refers a child who is at immediate risk of abuse, neglect or exploitation.

.2142 The referral indicates the existence of a situation which is likely to imminently cause physical pain, injury, disability, severe emotional harm or death to a child.

.22 The decision whether or not to make an in-person response for all other referrals shall be based on an assessment which shall include collateral contacts, a review of previous referrals and other relevant information to the extent such information or measures are necessary to conduct an assessment.

.221 This assessment shall include, but not be limited to, consideration of the following factors:

- (a) The information provided in the referral describes a situation as defined in sections 30-002a(1) abuse, 30-002a(2) exploitation, or 30-002a neglect,
- (b) Credibility of reporter,
- (c) Relationship and access of alleged perpetrator to the child,
- (d) History and disposition of prior referrals,
- (e) Items that are considered to increase the risk of danger to the child which include, but are not limited to:

11) The severity of the injury/

12) When the alleged incident(s) of abuse occurred/

13) How frequently the alleged incident(s) of abuse occurs/

14) The age of the child/ younger children shall be considered at higher risk/

15) The inability or unwillingness of the parent/caretaker to cooperate with the emergency response worker/

16) The social isolation or lack of support systems for the parent/caretaker and/or child/

17) The location of the injuries/

.75 Upon the county's receipt of a referral that is assessed to require an immediate in-person response, a social worker skilled in emergency response shall have immediate in-person contact with all children and available parent(s)/guardian(s) in situations requiring immediate response.

.751 If all of the following circumstances exist and are documented in the Emergency Response, In-Person Response Case, the decision to contact any additional children in the family who are not present at the time of the initial response shall be at the discretion of the county:

.7511 The county emergency response social worker has had in-person contact with the child(ren) alleged to be abused, neglected, or exploited and all other children present at the time of the social worker's initial response.

.7512 The county emergency response social worker has had in-person contact with the parent(s)/guardian(s) available at the time of the initial response.

.7513 The county social worker has made the necessary collateral contacts with persons having knowledge of the condition of the children.

.46 All other in-person responses shall be made within ten calendar days after receipt of the referral and follow the instructions outlined in Sections 30-132.751 through .7513.

.57 No response is required to a cross-report from a law enforcement agency if the law enforcement agency has investigated and determined that there is no indication of abuse or neglect by a member of the child's household.

.68 Emergency response staff shall request law enforcement assistance under either of the following circumstances:

- .§81 The physical safety of family members or county welfare department staff ~~is~~ endangered.
- .§82 A child must be placed in temporary custody and the county welfare department social worker is not deputized as a peace officer or authorized by Welfare and Institutions Code Section 306 to perform such an act.
- .79 Emergency response staff may take a child into temporary custody without the assistance of law enforcement whenever authorized to do so under Welfare and Institutions Code Section 306.
- .791 Welfare and Institutions Code Section 306 specifies in pertinent part as follows:
- .7911 Any social worker in a county welfare department, while acting within the scope of his or her regular duties under the direction of the probation department or juvenile court and pursuant to subsection (b) of Section 272, may do all of the following:
- (a) Take into temporary custody and maintain temporary custody of, without a warrant, a minor who has been declared a dependent child of the juvenile court under Section 300, and is in need of care.
 - (b) Take into temporary custody and maintain temporary custody of a minor without a warrant, when the social worker has reasonable cause to believe that the minor is a person who is described in subdivision (~~a~~b) or (~~g~~h) of Section 300.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~10553~~ 16208 and 16501.1, Welfare and Institutions Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

Department of Social Services

AGENCY FILE NUMBER (If any)

RDB#0492-13

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 OCT 21 PM 2:51
OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
NOV 24 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

NOV 24 1992

At 4:04 O'clock P.M.

MARCH FONG EU, Secretary of State

By John J. Linn
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE AFDC Resource Exclusion		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 92, #272	PUBLICATION DATE 7-3-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	63-012
SECTIONS AFFECTED	AMEND
	63-301.93 and 63-501.2
	REPEAL

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2587

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson
TYPED NAME AND TITLE OF SIGNATORY

DATE

October 20, 1992

Eloise Anderson, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

- .1 Sections 63-301.9 and 63-501.3, as amended herein, shall become effective July 1, 1992.
 - .11 Beginning July 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
 - .12 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or February 1, 1992, whichever occurred later.
 - .13 For a household that applied for benefits from February 1, 1992 through June 30, 1992 and was denied due to excess resources as a result of counting the resources of an AFDC recipient, the household is entitled to restored benefits back to February 1, 1992 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

Authority Cited: Sections 10554 and 18901, Welfare and Institutions Code.

Reference: Section 18904, Welfare and Institutions Code, and Public Law 102-237 as specified in Federal Administrative Notice 92-12, dated January 9, 1992.

Amend Section 63-301.9 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

.9 Mixed Food Stamp Households

Mixed food stamp households are food stamp applicant households in which some, but not all, members are in the PA filing unit. (Continued)

- .93 CWDs shall exclude any resources for of food FS household members receiving stamp purposes of any PA recipients. If a resource is jointly held by a Food Stamp household member who is receiving PA and a Food Stamp household member who is not receiving PA, then exclude the amount that was counted in determining the ~~APPC~~ PA eligibility. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992.

.2 Joint Ownership

- .21 Resources owned jointly by separate households (including non-food stamp households) shall be considered available in their entirety to each household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the household's resource level. The resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply. A resource cannot be practically subdivided if the financial value of the proportionate share would be significantly reduced by sale of only the subdivision. Resources owned jointly by household members and persons in the household who are disqualified or ineligible aliens (who would otherwise be household members) shall be considered available to the household, as required by Section 63-503.44.
- .22 If a resource is jointly held by members of the same food stamp household and one of the members is receiving PA and the other is not receiving PA, then exclude the amount that was counted in determining the PA eligibility.

.3 Exclusions From Resources

(a) through (n) (Continued)

- (o) Resources of any household member receiving PA. If a resource is jointly held by a Food Stamp household member who is receiving PA and a Food Stamp household member who is not receiving PA, then exclude the amount that was counted in determining the PA eligibility.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992.

EMERGENCY CY

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

See instructions on reverse

For use by Secretary of State only

AGENCY FILE NUMBER (if any)

1092-35

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		92-1120-07E		

For use by Office of Administrative Law (OAL) only

1992 NOV 20 PM 3:19

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

NOV 30 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILED

In the office of the Secretary of State
of the State of California

NOV 30 1992

At 407 O'clock P M.

MARCH FONG EU, Secretary of State

By John Lovelady
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Aid Payment Demonstration Project	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT 40-015, 89-100, 89-101, 89-300, 89-301, 89-400 and 89-402
SECTIONS AFFECTED	AMEND 41-440 and 44-315.351 (Handbook)
	REPEAL

2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify) _____			

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify) December 1, 1992
--	---	---

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

6. CONTACT PERSON

James Rhoads, Assistant Bureau Chief, Regulations Development Bureau	TELEPHONE NUMBER (916) 657-2586
--	------------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

NOV 19 1992

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 40-015 to read:

40-015 IMPLEMENTATION OF REGULATIONS PURSUANT TO
SENATE BILL 485, CHAPTER 722, STATUTES OF 1992
AND WELFARE AND INSTITUTIONS CODE SECTION 11201.5,
STATUTES OF 1991, CHAPTER 97

40-015

.1 Sections Implemented

The following amendments and adoptions comply with the provisions of Senate Bill 485, Chapter 722, Statutes of 1992 and Welfare and Institutions Code Section 11201.5, Statutes of 1991, Chapter 97. This regulatory action consists of:

Changes to reduce the Maximum Aid Payment (MAP);

Adoption of a requirement which will limit the amount of aid a family may receive when they have not lived in California for 12 months or more; and

Elimination of the 100-hour limit for AFDC-U recipients who work.

.11 Sections Adopted

<u>89-100</u>	<u>Assistance Payments Demonstration Project (APDP)</u>
<u>89-101</u>	<u>Federal Demonstration Project -Introduction</u>
<u>89-300</u>	<u>Work Incentives</u>
<u>89-301</u>	<u>Elimination of the 100-Hour Limit</u>
<u>89-400</u>	<u>Aid Payments</u>
<u>89-402</u>	<u>MAP Level and MAP Restriction</u>

.12 Sections Amended

<u>41-440</u>	<u>Federal AFDC-U Unemployed Parent Program</u>
<u>44-315</u>	<u>Amount of Aid</u>

.2 Effective Dates

Unless otherwise specified in Section 40-015.21, all regulatory action herein implementing the provisions of Senate Bill 485, Chapter 722, Statutes of 1992 and Welfare and Institutions Code Section 11201.5, Statutes of 1991, Chapter 97, shall be effective December 1, 1992 for both applicants and recipients.

.21 Section

The specified effective date is:

.211 Relocation Family Grant

Section 89-402.4 pertaining to the Relocation Family Grant (RFG) shall only apply to all applicants as of December 1, 1992.

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11201.5, 11450.01, and 11450.03, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Amend Section 41-440 to read:

41-440 FEDERAL AFDC-U UNEMPLOYED PARENT PROGRAM

41-440

The requirements of Section 41-440 apply to all principal earners who establish deprivation based on unemployment whether the individual is included or excluded from the assistance unit.

HANDBOOK BEGINS HERE

See Section 89-301.2 on the exemption from the 100-hour limit specified in this section for those recipients subject to the Assistance Payments Demonstration Project specified in Division 89. The county shall continue to apply the 100-hour limit to all AFDC-U applicants. (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 10604, ~~and~~ 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11201.5, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b); and Family Support Act of 1988, Public Law (PL) 100-485, October 13, 1988; Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; Omnibus Budget Reconciliation Act (OBRA) of 1990, Section 5061.

Amend Sections 44-315 to include Handbook Section 44-315.351 to read:

44-315 AMOUNT OF AID (Continued)

44-315

.3 Amount of Grant (Continued)

.35 MAP (Continued)

HANDBOOK BEGINS HERE

.351

See Section 89-402 for MAP determinations for recipients subject to the Assistance Payments Demonstration Project as specified in Division 89. (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, ~~and~~ 10554, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11017, 11450, 11450.01, 11450.03, 11452, and 11453, Welfare and Institutions Code.

Adopt Chapter 89-100 and Section 89-101 to read:

89-100 ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (APDP) 89-100

89-101 FEDERAL DEMONSTRATION PROJECT - INTRODUCTION 89-101

HANDBOOK BEGINS HERE

.1 Background

Pursuant to state law, the State Department of Social Services has requested and received federal approval for a California Demonstration Project entitled the Assistance Payments Demonstration Project. This Project enables California, in accordance with its federally mandated Terms and Conditions, to implement certain new AFDC provisions.

The Assistance Payments Demonstration Project provisions are contained in Division 89. They include work incentive provisions, MAP reductions and a relocation grant restriction.

HANDBOOK ENDS HERE

.2 Control Group

The county shall not apply the Division 89 Assistance Payments Demonstration Project provisions to those applicants and recipients who are designated as members of the Project's control group. The designation and treatment of the control group shall be accomplished pursuant to the Project's mandated parameters outlined in the Federal Terms and Conditions as approved by the Secretary of the Department of Health and Human Services.

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11201.5, 11450.01, and 11450.03, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

Adopt Chapter 89-300 and Section 89-301 to read:

89-300 WORK INCENTIVES

89-300

89-301 ELIMINATION OF THE 100-HOUR LIMIT

89-301

.1 Reserved

.2 100-Hour Limit

The county shall not apply the 100-hour limitation specified in Section 41-440 to recipients after the date that aid has been authorized.

HANDBOOK BEGINS HERE

.21

Example 1:

A family applies for AFDC-U on January 5, 1993; the CWD authorizes aid on February 2, 1993. On February 3, 1993, the principal earner (PE) reports that he will begin work on that day and he expects to work over 100 hours per month. Since the PE did not begin working until the day after aid was authorized (i.e., after becoming a recipient), the 100-hour limit is not applicable.

Eligibility for the AU will continue until ineligibility occurs due to excess income, excess property, etc.

Example 2:

A family applies for AFDC-U on January 5, 1993; the CWD authorizes aid on February 1, 1993. On February 3, 1993, the PE reports that he returned to work on January 31, 1993 and is expected to work over 100 hours in each of the next 6 months. Since the PE returned to work before aid is authorized (i.e., prior to becoming a recipient), the 100-hour rule limitation is applicable. The CWD will issue a timely notice of action and terminate aid effective February 28, 1993. As ineligibility occurred prior to the authorizing action, the family is overpaid for January 1993 and February 1993.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Section 11201.5, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved the United States Department of Health and Human Services on October 30, 1992.

Adopt Chapter 89-400 and Section 89-402 to read:

89-400 AID PAYMENTS

89-400

89-402 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION

89-402

HANDBOOK BEGINS HERE

.1 MAP Amount

Effective December 1, 1992, the MAP level established in Welfare and Institutions Code Sections 11450(a)(1) and (2) is:

<u>Size of AU</u>	<u>MAP</u>
<u>1</u>	<u>\$ 307</u>
<u>2</u>	<u>504</u>
<u>3</u>	<u>624</u>
<u>4</u>	<u>743</u>
<u>5</u>	<u>847</u>
<u>6</u>	<u>952</u>
<u>7</u>	<u>1,045</u>
<u>8</u>	<u>1,139</u>
<u>9</u>	<u>1,230</u>
<u>10 or more</u>	<u>1,322</u>

HANDBOOK ENDS HERE

.2 Reserved

.3 Reserved

.4 Relocation Family Grant

Relocation Family Grant (RFG) means the maximum amount of aid payable to an AU when no member of the AU has lived in California for 12 consecutive months immediately prior to the date of application.

.41 Relocation Family Grant Rule

When the RFG is applicable, the county shall compare and base aid on the lesser of:

.411 CA Computed Grant Amount

The California computed actual grant amount for a full month, excluding overpayment adjustments, or

.412 Other State MAP

The MAP amount of the previous state or U.S. Territory of residence, plus California special needs when included in Section 89-402.411.

(a)

When all members of the AU have not lived in the same prior state, the county shall compare the California computed grant amount to the highest MAP amount of the prior states of residence involved.

(b)

The county shall semi-annually update the other state MAP amounts effective each April 1st and October 1st with figures provided by the State Department of Social Services which are based upon U.S. Department of Health and Human Services data.

HANDBOOK BEGINS HERE

.42 Grant Adjustment

Upon determination of the lesser amount of either the California computed actual grant amount or the prior state MAP, the grant will be adjusted for partial month proration, homeless assistance payment and overpayments, as applicable.

HANDBOOK ENDS HERE

.43 Reduced Income Supplemental Payment (RISP), Homeless Assistance Payment for Permanent Housing and Overpayment Adjustment Computation

For the purpose of determining the RISP, homeless assistance payment for permanent housing, and computing overpayment adjustments, the MAP specified in Sections 44-402, 44-211.531 and 44-352.41 shall be the lesser of the California MAP or the MAP from the previous state of residence.

.44 How Long

The county shall apply the RFG rule until any member of the AU has lived in California for 12 consecutive months.

HANDBOOK BEGINS HERE

.45 RFG Example

A mother and her three children arrive in California from Mississippi in April. Four months later (August), they apply for AFDC. The RFG rule will apply to the AU for eight months. (Twelve month residency requirement minus four months in California equals eight RFG months). Their RFG period will end March 31st of the following year.

After the AU received aid for one month, the children's father moves into the home (September). He is the unemployed principal earner and there is federal eligibility. The father has been in California for ten months and was living in Nevada prior to coming to California.

Since the father lived in California longer than anyone else in the AU, the AU will only have two remaining RFG months, which includes the first month of aid for the father. Therefore, the AU's new RFG period will end October 31st.

The county will use Nevada's MAP which is higher than Mississippi's MAP when applying the RFG rule.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11450.01 and 11450.03, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 2-91)

AGENCY
State Department of Social ServicesAGENCY FILE NUMBER (If any)
RDB# 1092-37

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 92-1123-02E	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
NOTICE		REGULATIONS		

FILEDIn the office of the Secretary of State
of the State of California

DEC 03 1992

At 339 O'clock P. M.

MARCH FONG EU, Secretary of State

By [Signature]
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Changes to Homeless Assistance Program		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	
SECTIONS AFFECTED	AMEND Sections 44-211.511, .517(a)(2) and (3), .52 and .532
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) 12-1-92 1/1/93 per 11/30/92 memo BAC

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau	TELEPHONE NUMBER 657-2586
--	------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

DATE NOV 23 1992

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 44-211.511, .517(a)(2) and (3), .52, and .532 to read:

44-211 SPECIAL NEEDS IN AFDC (Continued)

42-211

.5 Homeless Assistance

.51 General (Continued)

.511 An AU is considered homeless when: (Continued)

(c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings/;

(d) And it has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person in the business of renting properties who has a history of renting properties.
(Continued)

.517 The county shall make restricted payments when the county establishes a finding of mismanagement of AFDC cash assistance. A restricted payment is a vendor or two-party payment to a provider of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness.

(a) Mismanagement exists only when:

(1) The county determines that the homeless assistance payment was not used for shelter; or

(2) The AU fails to provide verification that the temporary shelter payment was spent on shelter; and/or as required under Section 44-211.532(d) for permanent housing; or

(3) The AU provides verification which shows the homeless assistance payment was not paid to a provider who is a commercial establishment, etc., as specified in Section 44-211.~~520~~511(d). (Continued)

.52 Temporary Shelter (Continued)

.526 In order for the homeless assistance program to be available to meet shelter costs, the AU shall use a provider of housing who is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties.

(a) When the AU fails to pay a provider in accordance with this requirement, the county shall follow ~~the overpayment requirements in Sections 44-330 through 44-333~~ and the restricted payment provisions of Section 44-211.517.

HANDBOOK BEGINS HERE

(1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$90. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the AU failed to pay a provider in accordance with this requirement. The county establishes that ~~there is a \$15 overpayment and~~ mismanagemnt of funds exists and the subsequent payment is made as a restricted payment.

(2) Example:

The AU receives three nights of temporary shelter in the amount of \$90. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

(3) Example:

The AU receives \$90 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$100 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

HANDBOOK ENDS HERE

.53 Permanent Housing (Continued)

.532 An amount not to exceed two months of an AU's rent, as described in MPP Section 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence. (Continued)

- (c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
- (d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:

- (1) The amount expended for permanent housing.
 - (2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
- (e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a commercial establishment or a person in the business of renting properties.
- (1) A determination that the payment was not used for permanent housing or used to pay a commercial establishment or a person in the business of renting properties shall result in an overpayment a determination that mismanagement of funds exists.
(Continued)

Authority Cited: Sections 10553, 10554, 11209 and 11450(g), Welfare and Institutions Code.

Reference: Sections 11266(a)(2), 11271, 11272, 11273, 11450(a)(1), (b), and (c), 11450(f)(2) and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), ~~45 CFR 233.20(a)(2)(v)(A)~~, 45 CFR 234.11, and 45 CFR 234.60(a)(2)-(11).

REGULAR APPROVED

State Department of Social Services

AGENCY FILE NUMBER (if any)

0492-17

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z-92-0623-01	92-1125-07		

For use by Office of Administrative Law (OAL) only

1992 NOV 25 PM 2 30
 ENDORSED
 APPROVED FOR FILING
 ADMINISTRATIVE LAW
 DEC 22 1992
 Office of Administrative Law

FILED

In the office of the Secretary of State
of the State of California

DEC 22 1992

At 3:48 O'clock P.M.
 MARCH FONG EU, Secretary of State
 By *[Signature]*
 Deputy Secretary of State

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Goals for Children in Foster Care More Than 24 Months				
3. NOTICE TYPE		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
<input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other				
OAL USE ONLY	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	PUBLICATION DATE
	<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		92-1125-2	1-3-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	
SECTIONS AFFECTED	AMEND
	11-005.41
	REPEAL

2. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify) _____			

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify) _____
---	--	--

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau	TELEPHONE NUMBER 657-2586
--	------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>[Signature]</i>	DATE NOV 19 1992
--	---------------------

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

Amend Section 11-005.41 to read:

11-005 GOALS FOR CHILDREN IN FOSTER CARE MORE THAN TWENTY-FOUR
MONTHS (Continued)

11-005

.4 Specific Goal

- .41 The goal for the maximum number of children who have been in foster care for more than twenty-four months for the period of October 1, 19~~88~~92 through September 30, 19~~87~~93 shall be ~~11/323~~ 36,000 children or ~~342.9~~ percent of the AFDC-FC caseload, excluding guardianship cases.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 471(a)(14)(A), Social Security Act.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2/91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

0792-26

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

392-0825-02

92-1119-018

For use by Office of Administrative Law (OAL) only

1992 NOV 19 PM 3:17

ENDORSED
APPROVED FOR FILING

DEC 24 1992

Office of Administrative Law

NOTICE

REGULATIONS

For use by Secretary of State only

FILED

in the office of the Secretary of State
of the State of California

DEC 24 1992

At 4:04 O'clock P.M.

MARCH FONG EU, Secretary of State

By *Steve Louwider*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Monthly Aid Payments		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 92, #362	PUBLICATION DATE 9-4-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT 40-016 and 44-304
SECTIONS AFFECTED	AMEND 44-305
	REPEAL

2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) 1-1-93

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

TELEPHONE NUMBER

Jim Rhoads, Assistant Chief, Regulations Development Bureau

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

Eloise Anderson

NOV 19 1992

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

40-016 IMPLEMENTATION OF MONTHLY AFDC PAYMENT SYSTEM (MAP) REGULATIONS 40-016

44-305.3 Alternate Payment Systems

Sections 44-305.23, .231 and .232 are being
relocated from Sections 44-305.222a. and b.
and amended for consistency and clarity.

Reference: Section 10554, Welfare and Institutions Code.

Adopt Section 44-304 to read:

44-304 AID PAYMENT SCHEDULES

44-304

.1 Forwarding of Warrants

When an AFDC warrant is mailed, the envelope containing the warrant shall bear a statement that the warrant is not to be forwarded and that an address correction is requested (Welfare and Institutions Code Section 11006.4).

.2 Frequency of Delivery

Except for counties with approved alternate payment systems counties shall select either semimonthly or monthly delivery of payments.

.3 Changes in Frequency

Counties shall, when electing to change frequency of delivery:

.31 SDSS Notification

Notify SDSS in writing at least 90 calendar days prior to converting from one payment frequency to another.

.32 Recipient Notification

Notify all recipients of AFDC in writing at least 30 calendar days prior to converting from one payment frequency to another.

.4 Recipient Option

Counties opting for a monthly payment system shall be permitted to offer recipients the option of receiving semimonthly payments on a case-by-case basis. The total number of recipients receiving semimonthly payments shall not exceed 50% of the county's caseload.

.5 Standard Delivery Dates

.51 Semimonthly Delivery

The county shall deliver ongoing payments as follows when the county has selected semimonthly delivery:

.511 First Warrant

The county shall place the first warrant in the mail in time to be received by the first day of the payment month unless the county received the completed CA 7 (Rev. 6/92) after the tenth day prior to the end of the report month.

If the completed CA 7 is received after the tenth day prior to the end of the report month, but on or before the first day of the payment month, the county shall not delay the payment and shall place the warrant in the mail in time to be received by the first calendar day of the payment month if possible, but not later than the tenth calendar day of the payment month.

.512 Second Warrant

The county shall place the second warrant in the mail in time to be received by the 15th calendar day of the payment month.

.52 Monthly Delivery

The county shall place the warrant in the mail in time to be received by the first calendar day of the payment month unless the completed CA 7 is received after the tenth day prior to the end of the report month.

If the completed CA 7 is received after the tenth day prior to the end of the report month, but on or before the first day of the payment month, the county shall not delay the payment and shall place the warrant in the mail in time to be received by the first day of the payment month if possible, but not later than the tenth day of the payment month.

.6 Exceptions to Standard Delivery Date

The county shall deliver:

.61 Holiday/Weekends

On the last postal delivery day preceding a holiday or weekend when the holiday or weekend will delay delivery past the specified date of delivery.

.62 Initial Payment

Initial payments promptly but no later than 10 calendar days after authorization of aid or the beginning date of aid, whichever is later.

.63 Other Types of Delivery

Payment to the recipient on the last working day prior to the specified delivery date when the payment is to be delivered by means other than the mail.

.64 Late Payments

Payments that cannot be authorized before the date for regular aid payments as soon as administratively feasible.

.65 Out-of-County

Payments out of the county as soon as administratively feasible.

.66 Vendor Payments

Payments according to specified intervals to third parties or vendors when requested by the recipient.

.7 Recipient Dies

If a warrant is cashed but the recipient subsequently dies or becomes ineligible for aid there is no right to recovery.

Authority Cited: Sections 10553, 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11455 and 11006.2, Welfare and Institutions Code, 45 CFR 206.10 (a) (6) (D), 45 CFR 233.23, 45 CFR 233.29(a)-(d), 45 CFR 233.31(b)(4), 45 CFR 233.32 and Balderas v. Woods Court Order.

Repeal Sections 44-305.2 through .29, renumber Sections 44-305.3 through .326 to 44-305.2 through .226 respectively, relocate Sections 44-305.222a. and b. to Sections 44-305.23, .231 and .232 and amend, adopt Section 44-305.24 to read:

44-305 AID PAYMENTS - PAYEE AND DELIVERY

44-305

.1 (Continued)

HANDBOOK BEGINS HERE

/2 Time of Delivery

/21 Forwarding of Warrants

/211 When an AFDC warrant is mailed/ the envelope containing the warrant shall bear a statement that it is not to be forwarded and that an address correction is requested/ Welfare and Institutions Code Section 11006/4/

/212 Repealed by SDSS Manual Letter No/ EAS-89-04/ effective 7/1/89/

HANDBOOK ENDS HERE

/22 Aid Payments to AFDC Recipients

/221 Except for counties with approved alternate payment systems/ families on money management and children in foster care/ regular aid payments to AFDC families shall be delivered semimonthly in advance as follows/

a/ The first warrant shall be placed in the mail in time to be received by the first day of the calendar month/ unless the county received the complete MONTHLY ELIGIBILITY REPORT (CA 77 (see Section 40-181/241) after the tenth day prior to the end of the report month/ In this case/ the first warrant shall be mailed as soon as administratively feasible/ but no later than in time to be received by the tenth calendar day of the payment month/

b/ The second warrant shall be placed in the mail in time to be received by the fifteenth of the month/

/222 Aid payments to AFDC families residing in counties with approved alternate payment systems shall be made in two installments during the payment period as follows/

- a/ The first warrant shall be placed in the mail in time to be received by the first day of the AFDC family's assigned payment period/ unless the county received the complete Monthly Eligibility Report (CA 7) (see Section 40-181/241) after the tenth day prior to the end of the report period/ in this case/ the first warrant shall be mailed as soon as administratively feasible/ but no later than in time to be received by the 10th calendar day of the AFDC family's assigned payment period/
- b/ The second warrant shall be placed in the mail in time to be received by the fifteenth day of the assigned payment period/
- 123 Whenever it is apparent that intervening holidays and weekends will delay delivery past the specified date the warrant shall show the specified date but shall be placed in the mail in order to be delivered on the last postal delivery day preceding such date/
- 124 Repealed by Manual Letter Number 81-62 (1/1/82)/
- 125 An exception to delivery by the dates specified above may be made in those cases where payment at different intervals is directed by the Services System for a family with a money management problem/ (see Section 44-307/71)/
- 126 The initial aid payment (see Section 44-319) shall be delivered promptly to AFDC family groups (including AFDC-U cases) without respect to the above specified dates but not later than 15 calendar days following the authorization of aid or 15 the effective date of aid/ whichever is later/
- 127 When a warrant is delivered by means other than the mails/ it shall be available for delivery to the recipient on the last working day prior to the specified delivery date/
- 128 The county shall meet this requirement to the extent it is administratively feasible for payments that cannot be authorized before the cutoff date for the regular aid payrolls/ and for payments being delivered out of the county/
- 129 If a warrant is cashed but the recipient subsequently dies or becomes ineligible for aid between the delivery date and the date of the warrant/ there is no right to recovery/

.32 Alternate Payment System

.321 (Continued)

.322 (Continued)

.3221 (Continued)

.3222 The aid warrant shall be placed in the mail in time to be delivered on the dates specified under Section ~~44-305/222~~ 44-305.23.

.3223 In the event that there is no mail delivery on the date specified for delivery of the aid payments, the warrant shall be delivered in accordance with the provisions of Section ~~44-305/22~~ 44-304.61.

.3224 (Continued)

.3225 (Continued)

.3226 (Continued)

~~/222~~ .23 Aid payments to AFDC families residing in counties with approved semimonthly alternate payment systems shall be made in two installments during the payment period as follows:

a/ .231 The county shall place the first warrant shall be placed in the mail in time to be received by the first day of the AFDC family's assigned payment period, unless the county received the completed Monthly Eligibility Report (CA 7) (Rev. 6/92) (see Section 40-181/241) after the tenth day prior to the end of the assigned report period. In this case, the first warrant shall be mailed as soon as administratively feasible, but no later than in time to be received by the 10th calendar day of the AFDC family's If the CA 7 is received after the tenth day prior to the end of the assigned payment report period, but on or before the first day of the assigned payment period, the county shall not delay the payment and shall place the first warrant in the mail in time to be received by the first day of the assigned payment period if possible, but not later than the tenth day of the assigned period.

b/ .232 The county shall place the second warrant shall be placed in the mail in time to be received by the fifteenth 15th day of the assigned payment period.

.24 The exceptions to standard delivery dates specified in Section 44-304.6 shall be applicable to counties that have alternate payment systems.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.29, 45 CFR 233.31(b) (4) and 45 CFR 233.32.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD-400 (REV. 2-91)

AGENCY

The State Department of Social Services

AGENCY FILE NUMBER (If any)

1192-41

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 DEC 21 PM 3:51

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

DEC 24 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

DEC 24 1992

At 404 O'clock P.M.

MARCH FONG EU, Secretary of State

By Peter Louie
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE AFDC-FC Group Home Rate-Setting		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
MPP	11-402.111, .354(b), .355 and .393
SECTIONS AFFECTED	AMEND
	11-400 g(2); 11-402.11 and .354; and 45-101(r)
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) January 1, 1993

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

TELEPHONE NUMBER

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

E

TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

12/18/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 45-101(r) and handbook to read:

45-101 DEFINITIONS (Continued)

45-101

(q) (Continued)

(r) Group Home shall be defined in accordance with Welfare and Institutions Code Section 11400(h) ~~means a nonsecure, privately operated residential home of any capacity, including a private child care institution, that provides services in a group setting to children in need of care and supervision, and which is licensed as a community care facility by the department.~~

HANDBOOK BEGINS HERE

(1) See Section 45503.1 for definition of private institution The term group home is defined in Welfare and Institutions Code Section 11400(h) as follows:

"'Group Home' means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code."

(A) Health and Safety Code Section 1502(a)(1) states: "'Residential facility' means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual."

HANDBOOK ENDS HERE

(s) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 1502(a)(1), Health and Safety Code, and Section 11400(h), Welfare and Institutions Code.

Amend Section 11-400g.(2) and handbook to read:

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

g. (1) (Continued)

- (2) Group home shall be defined in accordance with Welfare and Institutions Code Section 437101/0 11400(h).

HANDBOOK BEGINS HERE

- (A) The term group home is defined in Welfare and Institutions Code Section 437101/1 11400(h) as follows:

"'Group Home' / means a nondetention~~secure~~/ privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, including a private child care institution/ that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code and which is licensed as a community care facility by the Department/ See Section 42503/3 for definition of private institution."

1. Health and Safety Code Section 1502(a)(1) states:
"'Residential facility' means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual."

HANDBOOK ENDS HERE

h. (1) (Continued)

Authority Cited: Sections 10553, 10554, 11462(i) and (j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Section 1502(a)(1), Health and Safety Code, Sections 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11400(h), 11460, 11462, 11466.1, 11466.2, 11466.3, 11468, and 18350, Welfare and Institutions Code, The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050, Industrial Welfare Commission Order 5-89.

Amend Sections 11-402.11 and .354 and adopt Sections 11-402.111, .354(b), .355 and .393 and handbook, and renumber Sections 11-402.355 and .356 to Sections 11-402.356 and .357, respectively, to read:

11-402 GROUP HOME RATE SETTING

11-402

.1 Group Home Rate Determination Process - General Overview

.11 The Department shall determine the RCL for each nonprofit group home program utilized for AFDC-FC placements to set a rate using the standardized schedule of rates.

.111 For the period of Fiscal Year 1992-93 from January 1, 1993, through June 30, 1993, the Department shall establish a rate for a group home which changes status from for-profit to nonprofit if the following requirements are met:

(a) The group home program had a rate established prior to January 1, 1993, as a group home organized and operated as an unincorporated proprietorship, a partnership, or a for-profit corporation;

(b) The group home has organized and is operating on a nonprofit basis as of January 1, 1993; and

(c) The documentation in Section 11-402.354 has been submitted by January 1, 1993. (Continued)

.35 An annual rate application with no program changes shall include:

.351 (Continued)

.352 (Continued)

.353 (Continued)

.354 Either of the following if not submitted with a previous rate application:

(a) ~~For any tax exempt agency/~~ A copy of the Internal Revenue Service (IRS) letter designating the provider as tax exempt/ ~~if not submitted with a previous rate application;~~ or

(b) The following documentation of nonprofit status:

(1) An endorsed copy of the group home organization's articles of incorporation, filed with the California Secretary of State, demonstrating the organization:

(A) Operates in the public interest for scientific, education, service or charitable purposes;

(B) Is not organized for profit making purposes; and

(C) Uses its net proceeds to maintain, improve or expand its operations.

.355 A declaration signed by the group home's board of directors that the organization will operate during the fiscal year in the public interest for scientific, education, service or charitable purposes; is not organized for profit making purposes; and uses its net proceeds to maintain, improve or expand its operations.

(a) The group home provider shall immediately notify the Department if the group home ceases to operate on a nonprofit basis.

.356 (Continued)

.357 (Continued)

.39 The Department's rate termination process shall be as follows:

.391 (Continued)

.392 (Continued)

.393 In accordance with Sections 11-402.391 and 11-402.392 the Department shall terminate a group home program rate of any group home which does not meet the requirements of Welfare and Institutions Code Section 11462(a)(3).

HANDBOOK BEGINS HERE

(a) Welfare and Institutions Code Section 11462(a)(3) states:

"The department shall terminate the rate, effective January 1, 1993, of any group home that is not organized and operated on a nonprofit basis as required under subdivision (h) of Section 11400."

HANDBOOK ENDS HERE

.4 (Continued)

Authority Cited: Sections 10553, 10554, 11462(j), 11466.1, and 11466.2, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11460, 11462, 11462(a)(2) and (a)(3), 11462(i)(1)(B), 11466.1, 11466.2, 11466.3, 11466.4, 11467, and 18350, Welfare and Institutions Code and The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

0592-19

OAL FILE
NUMBERSNOTICE FILE NUMBER
Z92-0723-01REGULATORY ACTION NUMBER
92-1116-01CEMERGENCY NUMBER
92-0720-02E

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 NOV 16 AM 11:25

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

DEC 28 1992

Office of Administrative Law


NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

DEC 28 1992

At 3:37 O'clock P.M.
MARCH FONG EU, Secretary of StateBy  Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE General Assistance Categorical Eligibility		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 92, #32-2	PUBLICATION DATE 8-9-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT 63-013
SECTIONS AFFECTED	AMEND 63-102, 63-301, 63-402, 63-404, 63-409, 63-501, 63-503, 63-504, 63-505
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistance Chief, Regulations Development Bureau

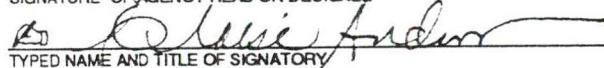
TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

NOV 16 1992

- .1 Sections 63-102c.(2) and g.(1) and 63-301.7 and .8, as amended herein, shall become effective August 1, 1992.
 - .11 Beginning August 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications. If for any reason the CWD fails to implement on the required date, restored benefits shall be provided, if appropriate, back to the required implementation date, the date of the food stamp application or the date the household was determined categorically eligible, whichever is later.
 - .12 Continuing cases shall be converted to these provisions at household request, at the time of recertification, or when the case is reviewed next, whichever occurs first. Restored benefits shall be provided back to the required implementation date, August 1, 1992.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.1(g)(122)(ii) and Section 1101(d)(1), Public Law 102-237.

c. (1) (Continued)

- (2) "Categorical Eligibility" means being considered eligible for food stamps, as specified in Sections 63-301.6, .7 and .8, because of the household's eligibility for public assistance (PA) or general assistance (GA). (Continued)

g. (1) (Continued)

- (A) For purposes of determining categorical eligibility, as specified in Section 63-301.82, GA recipients include individuals authorized to receive GA benefits whether or not they are actually receiving a GA payment. This includes recipients whose GA benefits have been suspended or recouped, or those who are entitled to GA benefits but are not paid such benefits because the grant is below the minimum payable under the GA program.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; and 42 U.S.C.A. 5122; 7 CFR 271.2; 7 CFR 273.1(c)(5); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.2 (j), and (j)(4); 7 CFR 273.16(c); 7 CFR 273.21(b); 7 CFR 274.3; 7 CFR 2710.2; 45 CFR Part 401; 45 CFR 400.62; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768]); Section 66011, Education Code; and Section 902, Public Law 102-237.

Amend Section 63-301.822 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

.7 Categorically Eligible PA Households (Continued)

- .72 When determining whether a household is to be considered PA categorically eligible, the CWD shall verify the following factors, only when questionable, as specified in Section 63-300.53. (Continued)
- .74 The following persons shall not affect the eligibility of an otherwise categorically eligible PA household: (Continued)
 - .745 Persons institutionalized in an unauthorized facility as defined in Section 63-402.4;
 - .746 Household members, other than the principal work registrant, who are disqualified for failure to comply with work requirements as specified in Section 63-407.4; or
 - .747 GA recipients who receive benefits from a GA program appropriate for categorical eligibility.
- .75 For purposes of work registration, the exemptions specified in Section 63-407.2 shall apply to individuals in PA categorically eligible households. Any individual who is not exempt from work registration is subject to the work requirements specified in Section 63-407.

.8 GA Households

- .81 CWDs shall advise all GA applicant households of their potential categorical eligibility for food stamp benefits and provide these households with food stamp application forms DFA 285-A1 and DFA 285-A2. GA households shall not be considered categorically eligible for food stamp benefits unless they receive, or are authorized to receive, benefits from a GA program appropriate for categorical eligibility as specified in Section 63-301.82.
 - .811 CWDs shall allow households in which all members are applying for GA benefits to leave a signed food stamp application DFA 285-A2, which contains, at a minimum, the household's name, address, and signature, at the GA office. The GA office shall forward these applications that same day to the appropriate food stamp office for processing. The procedural and timeliness requirements that apply to the non-PA application process shall begin when the food stamp office receives the application. Since there may be a delay involved in the transferring of applications from GA office to food stamp offices, households shall be advised that they may receive faster service if they take the application directly to the food stamp office.

.82 Categorically Eligible GA Households

- .821 Any household, except those specified in Section 63-301.824, in which all food stamp eligible members receive or are authorized to receive GA benefits from a GA program which meets the following criteria, shall be considered eligible for food stamps because of their status as GA recipients.
- (a) The GA program must have income criteria equal to, or more restrictive than, the food stamp gross income test; and
 - (b) The GA program must provide benefits as defined in Section 63-102g.(1)(A) and must not provide only one-time emergency payments; and
 - (c) A signed certification that the county's GA program is appropriate for categorical eligibility is on file with the SDSS; or
 - (d) The GA program has been certified by FNS as an appropriate program.
- .822 The eligibility factors which shall be accepted for food stamp eligibility without verification are the resource (except resource transfers); gross and net income limits; sponsored alien information; and residency.

HANDBOOK BEGINS HERE

- (a) Sponsored aliens shall continue to cooperate in providing sponsor information, as specified in Section 63-403.33, for use in determining benefit level.

HANDBOOK ENDS HERE

- .823 When determining whether a household is to be considered GA categorically eligible, the CWD shall verify that the household contains only food stamp eligible members who are receiving, or are authorized to receive, GA from a GA program appropriate for categorical eligibility.
- (a) Where household composition is questionable, the CWD shall determine that the household meets the definition of household as specified in Section 63-402 and contains no individuals disqualified as specified in Section 63-301.825.
- .824 A household shall not be considered categorically eligible and is subject to all food stamp eligibility and benefit provisions if:
- (a) The household refuses to cooperate in providing information to the CWD that is necessary for making an eligibility determination or for completing any subsequent review of eligibility;

- (b) The household is disqualified because the head of household fails to comply with a work requirement as specified in Section 63-407.1;
 - (c) The household is ineligible under the striker provisions as specified in Section 63-402.8; or
 - (d) The household is ineligible because they knowingly transferred resources for the purpose of qualifying or attempting to qualify for the program as specified in Section 63-501.6.
- .825 The following individuals shall not be included as a member of an otherwise categorically eligible household if that person:
- (a) Is disqualified for intentional Program violation;
 - (b) Is not the head of household and disqualified for failure to comply with the work requirements specified in Section 63-407.1;
 - (c) Fails to provide or apply for an social security number;
 - (d) Is an ineligible alien;
 - (e) Is an ineligible student;
 - (f) Is an SSI recipient; or
 - (g) Is institutionalized in a nonexempt facility as specified in Section 63-402.4.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; Section 11349.1, Government Code; 7 CFR 271.2; 7 CFR 273.2(h)(1)(C), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), (j)(2)(iii), (j)(3), (j)(4), and (j)(4)(vi); 7 CFR 273.8(e)(17); 7 CFR 273.10(c)(1); 7 CFR 274.2; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768]); and Section 902, Public Law 102-237.

.2 Nonhousehold and Excluded Household Members (Continued)

.22 Excluded Household Members

The following individuals residing with a household shall be included as a member of the household for the purpose of defining a household under Section 63-402.1. However, such individuals shall be excluded from the household for the purpose of determining household size, eligibility or benefit level, or when determining categorical eligibility in accordance with Sections 63-301.7 and .82. The income and resources of excluded household member(s) shall be handled in accordance with Sections 63-503.44 and 63-503.45 as appropriate. Excluded household members shall not participate in the Food Stamp Program as separate households. (Continued)

.222 SSN Disqualified

Individuals disqualified for refusal or failure, without good cause, to provide or obtain an SSN as required in Section 63-404.4.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.1(a)(1) through (b)(1), 7 CFR 273.1(a)(2)(i)(B) and (C), 7 CFR 273.1(b)(1)(iii), 7 CFR 273.1(b)(2)(iii), 7 CFR 273.1(c), 7 CFR 273.1(e)(1), 7 CFR 273.1(d)(1) and (2), 7 CFR 273.1(g), 7 CFR 273.2(j)(4), 7 CFR 273.10(c)(1)(i); 7 CFR 274.5 and 7 CFR 274.10, USDA Administrative Notice 89/65/Policy Memo 89-11 and 89-12, and Sections 10554 and 18904, Welfare and Institutions Code.

- .1 Applicant or recipient households shall provide the CWD with the social security number (SSN) of each household member or shall provide verification of application for an SSN prior to certification. (See Section 63-301.71 for PA categorically eligible households.) The CWD shall explain to applicants and recipients that refusal or failure without good cause to provide or apply for an SSN shall result in disqualification of the individual for whom the SSN is not obtained in accordance with Section 63-404.4. The CWD shall send the household a notice of adverse action explaining the effect of the disqualification on the eligibility and allotment of the remaining household members in accordance with Section 63-504.261. If individuals have more than one number, all numbers shall be required.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(3) and (4), 7 CFR 273.10(b), 7 CFR 273.6, and Sections 10554 and 18904, Welfare and Institutions Code.

.1 Requirements for Participation

Except for categorically eligible households, as specified in Sections 63-301.6, .7, and .82, only those households with income and resources which do not exceed the maximum income and resource eligibility standards shall be eligible to participate in the Food Stamp Program. The maximum income and resource eligibility standards are promulgated and updated by the USDA, and contained in tables reproduced in Handbook Section 63-1101.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(4).

The CWD shall apply the uniform national resource standards of eligibility to all applicant households, except as specified in Sections 63-301.7 and .82.

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; 7 CFR 273.8(e)(17) and 7 CFR 273.2(j)(4); Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 33(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i) and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

.1 Month of Application

- .11 A household's eligibility shall be determined for the month of application by considering the household's circumstances as of the date of interview, except as specified in Sections 63-402.9 (Strikers), 63-408 (Voluntary Quit), 63-501.6 (Resource Transfers), 63-503.212 (Income Determinations), and 63-503.43 (Destitute Households), and 63-301.7 and .82 (Categorically Eligible Households). (Continued)

.2 Determining Resources, Income and Deductions

- .21 Prospective Budgeting in the Beginning Months for Households Who Shall be Subject to Retrospective Budgeting

.211 Determining Resources

Except for households determined to be categorically eligible as specified in Sections 63-301.7 and .82, the household's resources at the time of the interview shall be used to determine the household's eligibility, in accordance with Sections 63-501 and 63-409.12. (Continued)

- .23 Households Subject to Retrospective Budgeting After the Beginning Months

.231 Prospective Eligibility

The CWD shall continue to prospectively determine food stamp eligibility after the beginning months. To make this determination the CWD shall act, in accordance with Sections 63-503.231(a), (b), (c), and for categorically eligible households, Sections 63-301.7 and .82. The prospective eligibility determination shall determine whether or not a household continues to be eligible for benefits, it does not determine what benefit level a household is entitled to receive. A household is neither eligible for a restoration of benefits nor shall a claim be established against a household for an inaccurate estimate of a household's prospective eligibility.

.3 Calculating Net Income and Benefit Levels (Continued)

- .32 Eligibility and Benefits (Continued)

.322 (Continued)

- (a) For households which are subject to monthly reporting, the CWD shall apply the net monthly income eligibility standards each month during the household's certification period, except as specified in Sections 63-301.7 and .82. The household's continued eligibility for benefits shall be based on the household's size and income information which the household and the CWD anticipate for the next issuance month. This determination shall be based on the information reported on and submitted with the most recent CA 7. The CWD shall also consider information which the household reports outside of the normal monthly reporting system. (Continued)

.329 (Continued)

- (b) The household is categorically eligible as specified in Sections 63-301.7 and .82. The CWD shall notify these households of their eligibility for zero benefits. (Continued)

.4 Households with Special Circumstances (Continued)

.44 Treatment of Income and Resources of Excluded Members

.442 (Continued)

(d) (Continued)

- (4) Determining the categorical eligibility of the remaining household members as specified in Sections 63-301.7 and .82. (Continued)

.45 Nonhousehold Members (Continued)

.453 Eligibility and Benefit Level (Continued)

- (d) Determining the categorical eligibility of the remaining household members in accordance with Sections 63-301.7 and .82.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 272.3(c)(1)(ii), 7 CFR 273.1(b)(2)(iii), 7 CFR 273.2(j)(4), 7 CFR 273.10(c)(2)(iii), 7 CFR 273.11(a)(2)(i), 7 CFR 273.11(c); (c)(1), (c)(2)(iii), (c)(3)(ii), and (d)(1), 7 CFR 273.11(e)(1); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) ____ F. Supp. ____ [Dock. No. CV-89-0768]); Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

.1 Certification Periods (Continued)

.12 Additional Requirements for Establishing Certification Periods for Monthly Reporting Households

.121 Public Assistance and Categorically Eligible Households (Continued)

- (a) If a household initially applies jointly for food stamps and PA benefits, a nonassistance classification shall be assigned if the food stamp application is approved prior to the PA determination being made and the certification period shall be assigned in accordance with Section 63-504.122. When the PA application is approved, the household shall be reclassified as public assistance, but the certification period shall remain as originally assigned. (See Section 63-301.7 for additional procedures for PA categorically eligible households.) (Continued)

.2 Notices of Action (Continued)

.23 Notice of Denial (DFA 377.1)

.231 (Continued)

- (a) If a household which is potentially categorically eligible is denied NA food stamps, the Notice of Denial shall inform the household to notify the CWD if its PA or GA benefits are approved. (See Section 63-301.631(b).) (Continued)

.6 Recertification of All Household

.61 General Requirements

.611 (Continued)

- (a) The joint processing requirements in Section 63-301.6 for PA and PA categorically eligible households shall also apply to applications for recertification.
- (b) If the PA redetermination is not timely completed for categorically eligible households, the food stamp recertification shall not be delayed and must be completed in accordance with Section 63-504.6. PA Categorical eligibility shall be assumed. (Continued)

.62 (Continued)

- .623 PA and PA categorically eligible households that are jointly processed in accordance with Section 63-301.6 shall, to the extent possible, be recertified for food stamps at the same time that their PA eligibility is redetermined. (See Section 63-504.611 for PA categorically eligible households.) They may be recertified in the month prior to the last month of the certification period in conjunction with the PA redetermination, except that, if the recertification is not completed in that month, it shall be pended and the household shall be provided a notice of expiration in accordance with Section 63-504.251. The recertification shall be completed during the last month of the certification period, as specified in Sections 63-504.621, .622, and .623. When the recertification is completed in the month prior to the last month of the certification period, the new certification period shall begin with the last month of the old certification period.
- .624 Households that receive a notice of expiration shall be subject to the verification requirements specified in Section 63-504.3 for information provided on the CA 7, but shall not be subject to the other CA 7 processing provisions contained in Section 63-504.3 in the last month of the certification period since recertification provisions in Section 63-504.6 are in effect in this month. PA households whose recertifications are completed in the month prior to the last month of the certification period shall be subject to all provisions of Section 63-504.3 in that month, except that they shall be provided a DFA 377.1, instead of a DFA 377.4. In addition, all changes reported on the application shall be subject to the same verification procedures as apply at initial certification, including categorically eligible households, as specified in Sections 63-301.71, .72, and .82.

Authority Cited: Sections 10554, 11265.1, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 273.2(j)(3) and (4), 7 CFR 273.8(b), 7 CFR 273.21(h)(3)(ii), 7 CFR 273.21(j), 7 CFR 273.21(j)(1)(vi), and 7 CFR 274.10.

.4 Verification Responsibilities for Monthly Reporting Households (Continued)

- (h) Social Security Number, except for PA categorically eligible households; and citizenship/alien status of household members when there is a change. (See Sections 63-403 and 404.)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(3) and (4), 7 CFR 273.11(a)(92)(iii), 7 CFR 273.12, 7 CFR 273.2(d), and 7 CFR 273.21(b).

REGULATORY APPROVAL

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

STATE DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (if any)

RDB#0991-41

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-116-035

For use by Office of Administrative Law (OAL) only

1992 NOV 16 PM 3 52

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

DEC 30 1992

Office of Administrative Law

NOTICE

REGULATIONS

For use by Secretary of State only

FILED

In the office of the Secretary of State
of the State of California

DEC 30 1992

At 3:14 O'clock P.M.

MARCH FONG EU, Secretary of State

By John Leunig
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Maternity Home Care Regulations		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 92-116-2	PUBLICATION DATE 5-1-92

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT
22	30307 and 30314
SECTIONS AFFECTED	AMEND
	30300, 30302, 30304, 30306, 30308, 30310 and 30312
	REPEAL

2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, DIRECTOR

DATE NOV 16 1992

Amend Section 30300 to read:

30300 GENERAL DESCRIPTION

30300

The Maternity Home Care Program, mandated by the Pregnancy Freedom of Choice Act (PFCA) (Chapter 1190, Statutes of 1977) and amended by Assembly Bill (AB) 3805 (Chapter 1636, Statutes of 1990), is a state funded program that provides an ~~alternative to abortion for~~ effective freedom of choice in making family planning decisions to unmarried pregnant minors. It provides for residential care, maternity related services, and postnatal maternal and infant care for a limited period following termination of pregnancy. The minor's parents are not financially responsible for the care and services she receives nor is parental consent necessary. Nonprofit maternity homes, licensed under Division 6 of Title 22 ~~CAC~~ CCR, as group homes ~~for adults and children~~, contract with the Department to provide the care and services under this program.

Authority Cited: Sections 10553 and 16149, Welfare and Institutions Code.

Reference: Sections 14010, 16145 through 16151, and 16561, Welfare and Institutions Code.

Adopt new Sections 30302(a), (b) and (e); repeal existing Section 30302(c); reletter existing Sections 30302(a) and (b) to (c) and (d), and Section 30302(d) to (f); amend and reletter existing Sections 30302(e) and (f) to (g) and (h) and Section 30302(g) to (i) to read:

30302 SPECIAL DEFINITIONS

30302

(a) "Applicant" for purposes of this chapter means a pregnant, unmarried person under 18 years of age who is domiciled in California, and who is seeking acceptance into the Maternity Home Care Program.

(b) "Client" for purposes of this chapter means a pregnant, unmarried person who is domiciled in California, and whose pregnancy and estimated date of delivery have been verified by a licensed physician, and who has been accepted into the Maternity Home Care Program.

(~~c~~) and (~~d~~) (Continued)

(~~c~~) Home means a licensed community care facility that has met the requirements for both Group Home Children and Group Home Adults facilities as stated in Sections 81201 and 81251 under Title 22, Division 6 of the California Administrative Code.

(e) "Group Home" means any facility of any capacity which provides 24-hour nonmedical care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensee as defined in Section 80001, Chapter 1, under Division 6, Title 22 of the California Code of Regulations (CCR).

(~~f~~) (Continued)

(~~g~~) "Residential care" for purposes of this chapter means care and basic services provided by community care facilities licensed as group homes for both children and adults; under Division 6 of Title 22, CAC; licensed group homes in accordance with the terms, procedures, and requirements prescribed under Chapter 5, Division 6 of Title 22, CCR.

(~~h~~) "Termination of pregnancy" means carrying to full term, miscarriage/ of medical or spontaneous abortion/ or spontaneous abortion. of therapeutic abortion/

(~~i~~) (Continued)

Authority Cited: Sections 10553 and 16149, Welfare and Institutions Code.

Reference: Sections 16146, 16147, 16148 and 16149, Welfare and Institutions Code.

Amend Section 30304(a); repeal and adopt new Section 30304(c) to read:

30304 ELIGIBILITY

30304

(a) Any unmarried pregnant ~~woman~~ person ~~and who is~~ under ~~21~~ 18 years of age at the time of application who is domiciled in California may receive care and services under this program upon request.

(1) A client who reaches her 18th birthday after admission into the program shall remain eligible to receive care and services as long as she is pregnant and attending school.

(b) (Continued)

~~(c) An applicant or her parents shall not be required or requested to make financial contribution toward care and services provided under this program.~~

(c) Neither a client nor her parent(s) shall be required to contribute financial support for the care and services provided under this program. (Continued)

Authority Cited: Sections 10553 and 16149, Welfare and Institutions Code.

Reference: Sections 14010, 16146, 16147, 16149 and 16561, Welfare and Institutions Code.

Amend Sections 30306(b) (b)(1), (2), (3) and (4) and (c); adopt Section 30306(d) to read:

30306 APPLICATION PROCESS

30306

(a) (Continued)

(b) Each applicant ~~shall sign~~, or her parent/~~or guardian~~ shall sign the ~~application form~~ SOC 315 Application and Certification for Maternity Home Care, Form SOC 315 (Rev. 2/92), which requires verification of:

(1) Pregnancy, and an estimated ~~of~~ date of delivery. Pregnancy verification and estimation of delivery date shall be made only by a physician licensed to practice in California. The physician shall be permitted to complete Part IV of the Form SOC 315, or separately verify on personal stationary or that of the health maintenance organization with which the physician is associated. The verification shall include the original signature of the physician;

(2) Minor status (age under ~~21~~ 18)/;

(3) Unmarried status/; and

(4) California ~~residency~~ domicile. ~~Pregnancy verification and estimation of delivery date shall be done by a physician licensed to practice in California;~~

(c) ~~The home~~ maternity home care provider shall complete the Medi-Cal application process on behalf of the applicant, pursuant to Articles ~~4 and~~ 5, Chapter 2, Division 3, Title 22, ~~and~~ CCR.

(d) The provider shall complete the Provider's Certification for Reimbursement for Maternity Home Care Services, Form SOC 315P (2/92) for each client, after completing the prerequisites listed in Section 30307 of these regulations. The Form SOC 315P shall be maintained by the provider as an integral part of the client's case record.

Authority Cited: Sections 10553, 16147(b) and 16149, Welfare and Institutions Code.

Reference: Sections 16146, 16147(b) and 16149, Welfare and Institutions Code.

Adopt new Section 30307 to read:

30307 REQUEST FOR VOLUNTARY CONTRIBUTIONS

30307

- (a) The provider shall make a determination of whether or not an inquiry into the parent's ability and willingness to contribute financial support should be made based on the following:
- (1) A client shall be asked to indicate whether or not her parent(s) is aware of her pregnancy and her receipt of care and services provided under this program.
 - (2) A client who indicates that her parent(s) is aware of her pregnancy and intent to reside in a maternity home until termination of her pregnancy shall be asked to indicate the occupation(s) of her parent(s), and whether or not the parent(s) is employed.
 - (3) A client who indicates that her parent(s) is employed shall be informed that neither she nor her parent(s) is required to contribute financial support for her care and services.
 - (4) A client shall be asked to indicate and explain any reasons she has for believing that an inquiry into the ability and willingness of her parent(s) to contribute would jeopardize her right to utilize the services of the maternity home.
- (b) When an inquiry is appropriate, the provider shall make an inquiry into the parents' ability to financially contribute as follows:
- (1) Contact the parent(s) and inform them the client is receiving services of the maternity home;
 - (2) Inform the parent that his or her financial participation is voluntary; and
 - (3) Inform the parent(s) of the requirement that the provider examine the family's income tax return(s) for the previous year to determine the ability to contribute and the amount of the voluntary contribution.

- (4) Arrange a time and place to examine the parents' Form(s) 1040, Income Tax Return, for the previous year if the parent indicates a willingness to participate.
- (c) When the provider has received the parent(s)' income tax return(s), Form(s) 1040, for the previous year the provider shall perform the following:
- (a) Enter the current Federal Poverty Limits 200 Percent By Family Size chart published by the Department of Finance Data Center (see Handbook Section 30307(c)(a)(1) example for the chart effective August 1991), with the figures for Total Dependents, and Adjusted Gross Income, on the Form 1040 to determine whether or not annual income is in excess of 200 percent of the federal poverty level, adjusted for family size. If the annual income of the family is larger than the amount (Gross Annual Income) displayed in Table 1 for a matching Family Size, the family's annual income exceeds 200 percent of the federal poverty level and the parent(s) shall be requested to voluntarily contribute financial support for the care and services the applicant receives under this program. If the family's annual income is less than or identical to the amount shown in Table 1 for an equally sized family, financial contribution shall not be requested.

HANDBOOK BEGINS HERE

(1) EXAMPLE:

Table I

Federal Poverty Limits
200 Percent
By Family Size Chart

	<u>Annual Gross Income</u>	<u>Monthly Gross Income</u>
<u>Family Size</u>	<u>Spring 1991</u>	
<u>1</u>	<u>\$13,240</u>	<u>\$1,103</u>
<u>2</u>	<u>\$17,760</u>	<u>\$1,480</u>
<u>3</u>	<u>\$22,280</u>	<u>\$1,856</u>
<u>4</u>	<u>\$26,800</u>	<u>\$2,233</u>
<u>5</u>	<u>\$31,320</u>	<u>\$2,610</u>
<u>6</u>	<u>\$35,840</u>	<u>\$2,987</u>
<u>7</u>	<u>\$40,360</u>	<u>\$3,363</u>
<u>8</u>	<u>\$44,880</u>	<u>\$3,740</u>

Increase for each
additional person: \$2,260

Poverty income guidelines for all states (except Alaska and Hawaii) and DC.

Source: U.S. Department of Health and Human Services

NOTE: The Federal Poverty Limits chart changes annually in the month of August. To obtain a current Federal Poverty Limits chart each August, maternity home providers may write to:

Department of Finance Data Center
915 L Street, Lower Level
Sacramento, CA 95814

HANDBOOK ENDS HERE

- (2) If the family's annual income is in excess of 200 percent of the federal poverty level, adjusted for family size, convert the annual income amount in a monthly amount (annual income/12 OR $30.4 \times (\text{Annual Income}/365)$). Enter Table 2, (See Section 30314) Resident Fee Schedule, Maternity Home Care, with the Monthly Adjusted Gross Income and the total number of dependents (from the Form 1040) to determine the amount the parent(s) shall be requested to voluntarily contribute for each month the applicant remains in this program.

HANDBOOK BEGINS HERE

EXAMPLE: From the Form 1040, the adjusted gross income for the family is \$27,000, and from the Form 1040 we find a total of 4 dependents (including the applicant). Table 1 shows that an annual income for a family of four (4) that is greater than \$26,880 is in excess of 200 percent of the federal poverty level and, consequently, this parent shall be asked to voluntarily contribute.

Convert the annual income amount to a monthly amount ($\$27,000/12 = 2,250$). Enter Table 2 at the appropriate Monthly Adjusted Gross Income line (2250-2299) and move to the column under the number of Persons Dependent On Income that matches the family's total dependents (4). We find that a family of four with a monthly income of \$2,250 shall be asked to voluntarily contribute \$117.00 per month.

HANDBOOK ENDS HERE

- (3) Monthly contributions shall be permitted to be prorated for the first month and last month of the applicant's stay in the program. The formula to prorate is as follows:

(MONTHLY CONTRIBUTION/30.4) X NUMBER OF DAYS
IN THE PROGRAM DURING THE MONTH

- (d) By means of an agreement with each participating parent, the provider shall establish the time and methodology to collect financial contributions.

(e) The amounts of any financial contributions collected from parents of recipients receiving services shall be recorded in the Other Funding Source And Amount column on the Claim for Reimbursement - Pregnancy Freedom of Choice AB 1069, Form SOC 331 (Rev. 3/82), and shall be deducted from the Allowable Expenditures for the purpose of offsetting costs of care and services provided to those recipients receiving services during that month.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Section 16147, Welfare and Institutions Code.

Amend Sections 30308(a), (b) and (c) and adopt Sections 30308(d), (e) and (f) to read:

30308 PROVIDER PARTICIPATION

30308

A provider facility of maternity home care under this program shall:

- (a) Be a nonprofit facility licensed as a group home ~~for children and as a group home for adults~~ pursuant to Chapter 5, Division 6 of Title 22, CAC California Code of Regulations (CCR).
- (b) Have a fully executed contract with the Department for provision of program services. ~~The contract shall be renewed annually/ at which time the department will evaluate the need to adjust the maximum reimbursement rate in accordance with section 30312/~~
- (c) Certify that for each person accepted under this program for placement in their facility, maternity home care will be provided in accordance with standards established in this chapter and ~~chapters 1 and 2/ Division 6/ Title 22/ CAC/~~ Chapter 5, Division 6 of Title 22, CCR.
- (d) Retain for a period of not less than five years all child-specific, programmatic, personnel, fiscal, and other information, including the results of intake assessments, that affects rate setting and reimbursements as specified in MPP Section 11-402.5 (Group Home Rate Setting).
- (e) Have the same protest and appeal rights that are granted to group home providers under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) Program in accordance with Section 16148.15, Welfare and Institutions Code and MPP Section 11-407 (AFDC Administrative Review Procedures).
- (f) Attempt to obtain voluntary parental financial contributions for a client residing in a maternity home in accordance with MPP Section 30307.

Authority Cited: Sections 10553 and 16149, Welfare and Institutions Code.

Reference: Sections 16148.10, 16148.15, 16146, 16147, 16148, and 16149, Welfare and Institutions Code.

Amend Section 30310(a) to read:

30310 REQUIRED SERVICES

30310

(a) Basic services as defined in Section ~~80015 of Title 22, CAC~~ 84061 et seq., Article 6, Chapter 5, Division 6 of Title 22, California Code of Regulations (CCR) shall be provided by the home to Maternity Home Care Program ~~residents~~ clients and shall include personal care, protection, supervision, assistance, guidance or training, planned activities, food service, and incidental medical and dental care.

(b) (Continued)

Authority Cited: Sections 10553 and 16149, Welfare and Institutions Code.

Reference: Sections 16146, 16148 and 16149, Welfare and Institutions Code.

Amend Sections 30312(b) and (d) to read:

30312 REIMBURSEMENT

30312

(a) (Continued)

(b) ~~Reimbursement shall not exceed \$1,062,000 per month per person for the fiscal year ending June 30, 1990. The Department may increase this maximum by up to 10% each July 1, based changed in the cost of providing care and services.~~ shall reimburse maternity home providers at one of the rate classification levels 1 to 5 of the standardized schedule or rates as determined by the AFDC-FC rate setting methodology as specified in MPP Section 11-402.

(c) (Continued)

(d) ~~Reimbursement shall not be paid for any care or service cost for which the facility has been reimbursed by any other source on behalf of the recipient including but not limited to an example of reimbursement from any other source would be AFDC/FBI funding of any financial contributions collected from parents of Maternity Home Care Program recipient.~~ Reimbursement shall not be paid for any care or service cost for which the facility has been reimbursed by any other source on behalf of the recipient including but not limited to an example of reimbursement from any other source would be AFDC/FBI funding of any financial contributions collected from parents of Maternity Home Care Program recipient, pursuant to MPP Section 30307(a).

Authority Cited: Sections 10553 and 16149, Welfare and Institutions Code.

Reference: Sections 16147(d), 16148 and 16149, Welfare and Institutions Code.

Adopt Section 30314 to read:

30314 RESIDENT FEE SCHEDULE - MATERNITY HOME CARE

30314

Table II

Resident Fee Schedule

<u>Monthly</u> <u>Adjusted</u> <u>Gross</u> <u>Income</u>	<u>Persons Dependent On Income</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
0- 569	\$ 3.08	\$ 2.75	\$ 2.50	\$ 2.25	\$ 2.00
570- 599	\$ 3.33	\$ 3.00	\$ 2.67	\$ 2.42	\$ 2.17
600- 649	\$ 3.75	\$ 3.33	\$ 3.00	\$ 2.67	\$ 2.42
650- 699	\$ 4.17	\$ 3.75	\$ 3.42	\$ 3.08	\$ 2.75
700- 749	\$ 4.67	\$ 4.17	\$ 3.75	\$ 3.42	\$ 3.08
750- 799	\$ 5.25	\$ 4.75	\$ 4.25	\$ 3.83	\$ 3.42
800- 849	\$ 5.92	\$ 5.33	\$ 4.83	\$ 4.33	\$ 3.92
850- 899	\$ 6.58	\$ 5.92	\$ 5.33	\$ 4.83	\$ 4.33
900- 949	\$ 7.42	\$ 6.67	\$ 6.00	\$ 5.42	\$ 4.92
950- 999	\$ 8.25	\$ 7.50	\$ 6.67	\$ 6.00	\$ 5.42
1000-1049	\$ 9.25	\$ 8.33	\$ 7.50	\$ 6.75	\$ 6.08
1050-1099	\$ 10.42	\$ 9.33	\$ 8.42	\$ 7.58	\$ 6.83
1100-1149	\$ 11.67	\$ 10.50	\$ 9.42	\$ 8.50	\$ 7.67
1150-1199	\$ 13.00	\$ 11.67	\$ 10.50	\$ 9.42	\$ 8.50
1200-1249	\$ 14.75	\$ 13.25	\$ 11.92	\$ 10.75	\$ 9.67
1250-1299	\$ 16.67	\$ 15.00	\$ 13.50	\$ 12.17	\$ 10.92
1300-1349	\$ 18.83	\$ 16.92	\$ 15.25	\$ 13.75	\$ 12.42
1350-1399	\$ 21.25	\$ 19.17	\$ 17.25	\$ 15.50	\$ 13.92
1400-1449	\$ 24.00	\$ 21.58	\$ 19.42	\$ 17.50	\$ 15.75
1450-1499	\$ 27.17	\$ 24.42	\$ 22.00	\$ 19.83	\$ 17.83
1500-1549	\$ 30.67	\$ 27.58	\$ 24.83	\$ 22.23	\$ 20.08
1550-1599	\$ 34.67	\$ 31.17	\$ 28.08	\$ 25.25	\$ 22.75
1600-1649	\$ 39.17	\$ 35.25	\$ 31.75	\$ 28.58	\$ 25.75
1650-1699	\$ 44.25	\$ 39.83	\$ 35.83	\$ 32.25	\$ 29.00
1700-1749	\$ 50.00	\$ 45.00	\$ 40.50	\$ 36.42	\$ 32.75
1750-1799	\$ 56.50	\$ 50.83	\$ 45.75	\$ 41.17	\$ 37.08
1800-1849	\$ 62.67	\$ 56.42	\$ 50.75	\$ 45.67	\$ 41.08
1850-1899	\$ 69.58	\$ 62.67	\$ 56.42	\$ 50.75	\$ 45.67
1900-1949	\$ 77.25	\$ 69.50	\$ 62.58	\$ 56.33	\$ 50.67

1950-1999	\$ 85.75	\$ 77.17	\$ 69.42	\$ 62.50	\$ 56.25
2000-2049	\$ 95.17	\$ 85.67	\$ 77.08	\$ 69.42	\$ 62.50
2050-2099	\$105.67	\$ 95.08	\$ 85.58	\$ 77.00	\$ 69.33
2100-2149	\$117.25	\$105.50	\$ 94.92	\$ 85.42	\$ 76.92
2150-2199	\$130.17	\$117.17	\$105.42	\$ 94.92	\$ 85.42
			\$ 0.00	\$ 0.00	
2200-2249	\$144.50	\$130.08	\$117.08	\$105.42	\$ 94.92
2250-2299	\$160.42	\$144.42	\$130.00	\$117.00	\$105.33
2300-2349	\$178.00	\$160.17	\$144.17	\$129.75	\$116.75
2350-2399	\$197.58	\$177.83	\$160.08	\$144.08	\$129.67
2400-2449	\$219.33	\$197.42	\$177.67	\$159.92	\$143.92
2450-2499	\$243.50	\$219.17	\$197.25	\$177.50	\$159.75
2500-2599	\$272.92	\$245.67	\$221.08	\$199.00	\$179.08
2600-2699	\$290.17	\$261.17	\$235.08	\$211.58	\$190.42
2700-2799	\$307.92	\$277.17	\$249.42	\$224.50	\$202.08
2800-2899	\$326.25	\$293.67	\$264.33	\$237.92	\$214.17
2900-2999	\$344.92	\$310.42	\$279.42	\$251.50	\$226.33
3000-3099	\$364.17	\$327.75	\$295.00	\$265.50	\$238.92
3100-3199	\$383.92	\$345.50	\$310.92	\$279.83	\$251.83
3200-3299	\$404.17	\$363.75	\$327.42	\$294.67	\$265.17
3300-3399	\$424.92	\$382.42	\$344.17	\$309.75	\$278.75
3400-3499	\$454.83	\$409.33	\$368.42	\$331.58	\$298.42
3500-3599	\$485.83	\$437.25	\$393.50	\$354.17	\$318.75
3600-3699	\$517.83	\$466.08	\$419.67	\$377.67	\$339.92
3700-3799	\$550.83	\$499.75	\$446.17	\$401.58	\$361.42
3800-3899	\$584.83	\$526.33	\$473.67	\$426.33	\$383.67
3900-3999	\$619.83	\$557.83	\$502.08	\$451.92	\$406.75
4000-4099	\$655.83	\$590.25	\$531.25	\$478.17	\$430.33
4100-4199	\$692.83	\$623.58	\$561.25	\$505.17	\$454.67

Above \$4200 add \$400 for each \$100 additional income.

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Section 16147, Welfare and Institutions Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. FORM NEW 2-91

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

1192-39

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-1221-08E

For use by Office of Administrative Law (OAL) only

1992 DEC 21 PM 4:30

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

DEC 30 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

DEC 30 1992

At 3:40 O'clock P.M.

MARION FONG FU, Secretary of State

By John Lowery
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Federal Voluntary Program for AFDC-FC		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
<input type="checkbox"/> Other <input type="checkbox"/> Other					
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND 45-202
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) January 1, 1993

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

DATE

12/16/92

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 45-202.4 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.4 Authority for Placement

.41 The child shall meet one of the following criteria for placement in foster care:

.411 Removal by Court Order

(a) The child shall be removed from the home of a parent or relative as the result of a court order which specifies:

~~/411~~ (1) That the responsibility for placement and care be vested in one of the agencies listed in Section 45-202.61; and

~~/412~~ (2) That continuance in the home of that parent or relative would be contrary to the child's welfare; and

~~/413~~ (3) That, if the child is placed into foster care on or after October 1, 1983, reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home.

~~/42~~ (b) The court order shall result in the child's placement in foster care with a nonrelative or with a different relative than the one from whose home he/she was removed.

~~/421~~ (1) This requirement shall be determined to be met if the child was absent from the parent's or relative's home in the month the petition, which initiated court action for removal, was filed, provided the child had resided with such parent or relative within any of the six months prior to the month that petition was filed. For example, the child was living with a grandparent for any reason in the month the petition was filed. However, within any of the six months preceding the filing of the petition, which initiated court action, the child lived with the parent from whom the child was removed. This child shall be considered removed from the home of his/her parent and placed with the grandparent. Furthermore, the linkage determination shall be based on that parent's home as provided in Section 45-202.313.

~~143~~ (c) Subsequent dismissal of the jurisdictional and dispositional orders shall not result in the loss of FFP provided all other general and federal AFDC-FC requirements continue to be met; and

~~1431~~ (1) The court order was dismissed because the child turned 18 and the child meets the requirements of Section 45-201.111; or

~~1432~~ (2) The court order was dismissed because, in accordance with Section 45-203.311, the child was relinquished or the petition to terminate parental rights of one or both parent(s) was granted and placement and care is with one of the agencies specified in Section 45-202.61.

.412 Removal by Voluntary Placement

(a) The child shall be removed from the home of a parent or guardian as a result of a voluntary placement agreement. This out-of-home placement of a minor without adjudication by the juvenile court shall occur only when both of the following conditions exist:

(1) There is a mutual decision between the child's parent or guardian and the placing agency; and

(2) There is a written binding agreement between either the county welfare department, a licensed public or private adoption agency or the Department acting as an adoption agency, and the parent or guardian of a minor.

(b) The voluntary placement agreement shall specify the legal status, rights and obligations of the child; the rights and obligations of the placing agency; the rights and obligations of the parent or guardian; and any other relevant factors.

(c) Time Limitations

(1) A child voluntarily placed shall be eligible for AFDC-FC payments for a period up to 180 days commencing with the date one of the listed agencies in Section 45-202.412(a)(2) assumes responsibility under a voluntary placement agreement and provided all other eligibility requirements are met.

(2) The voluntary placement agreement shall be signed prior to or at the time of placement and shall state the beginning date of placement and planned return date of the child to his/her home. This period shall not exceed 180 days.

(3) A child voluntarily placed shall be eligible for AFDC-FC payments for subsequent voluntary placements. However, a new 180-day period of eligibility for AFDC-FC payments shall commence only if the child's prior voluntary placement was previously terminated and the child was returned to his/her home. Any subsequent placements shall meet the requirements of Sections 45-202.412(c)(1) and (2).

.442 The income maintenance case record shall contain a statement from the placement worker, on the SOC 158a (11/88) form, which certifies that a copy of the court order or voluntary placement agreement is in the services case record. If ~~/432~~ Section 45-201.411(c)(2) applies, the case record shall also contain a statement from the placement worker, on the FC 5 or a substitute form approved by the Department, which certifies that the child meets the requirements of Section 45-203.311. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility, and when there is a change in the authority for placement.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11400(o) and 16507.4, Welfare and Institutions Code; Public Law 96-272; 45 CFR 1356.30; and 42 USC 672(a)(4).